

By Mr. J. D. STEWART: Petition of John M. Thurman, of Henry County, Georgia, for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. VOORHEES: Petition of J. L. Dumas and 165 others, citizens of Waitsburgh; of R. W. Dayton and 118 others, citizens of Cheney; of F. C. Lee and 105 others, citizens of Davenport; of H. K. Sinclair and 86 others, citizens of North Yakima; of Amos Stark and 36 others, citizens of Columbus; of A. Kaymer and 15 others, citizens of Spring Creek; and of R. H. Eves and 25 others, citizens of Elberton, Wash., praying that the bill for the admission of said Territory as a State may be so amended as to require that the constitution shall confer the right of suffrage without distinction of sex—to the Committee on the Territories.

Also, petition of 270 citizens of Washington Territory, praying for legislation permitting women to vote in the several Territories for members of the constitutional conventions—to the Committee on the Territories.

By Mr. WARNER: Petition of Aaron Botts, for payment of his war claim—to the Committee on War Claims.

Also, evidence in the case of George W. Anthony, of Kansas City, Mo., for relief—to the Committee on War Claims.

Also, affidavit of John McNess and of M. J. Freidsam in the case of Mrs. Fannie Adkins—to the Committee on War Claims.

By Mr. S. V. WHITE: Petition of John Jay Knox and 25 others, citizens of New York, for a public park in the District of Columbia—to the Committee on the District of Columbia.

The following petitions for a national Sunday-rest law were received and severally referred to the Committee on Labor:

By Mr. FLOOD: Of Mrs. J. F. Smith and others, of New York.

By Mr. HALL: Of United Presbyterian Congregation and others, of Butler, Pa.

By Mr. SCULL: Of 800 citizens of Altoona, Pa.

The following petitions, praying for a constitutional amendment prohibiting the manufacture, importation, exportation, transportation, and sale of all alcoholic liquors as a beverage, were received and severally referred to the Select Committee on the Alcoholic Liquor Traffic:

By Mr. ARNOLD: Of 1,399 citizens of Richmond, Charlestown, and North Kingston, R. I.

By Mr. GIFFORD: Of 39 citizens of Centennial Park, of 35 citizens of Eldridge, of 76 citizens of Langdon, of 38 citizens of De Voe, and of 15 citizens of Pingree, Dak.

By Mr. HIRES: Of 54 citizens of Greenwich, and of 53 citizens of East Creek, N. J.

By Mr. ROCKWELL: Of 43 citizens of Hampden, and of 51 citizens of North Adams, Mass.

By Mr. VANDEVER: Of 58 citizens of Escondido, and of 50 citizens of Salinas, Cal.

By Mr. VOORHEES: Of 118 citizens of Waitsburgh, Wash.

## SENATE.

WEDNESDAY, February 20, 1889.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

### THE JOURNAL.

The Journal of yesterday's proceedings was read.

Mr. HOAR. I should like to know whether the Journal should not state that the unanimous consent given to the Senator from Iowa [Mr. ALLISON] to call up the appropriation bill yesterday just after 2 o'clock included the laying aside informally of the unfinished business.

The PRESIDENT *pro tempore*. The Secretary will read the entry in the Journal to which the Senator from Massachusetts calls attention.

The Secretary read as follows:

The President *pro tempore* announced that the hour of 2 o'clock had arrived, and laid before the Senate the unfinished business at its adjournment yesterday, to wit, the resolution directing the Committee on Privileges and Elections to revise the laws regulating elections of members of Congress; when, on motion by Mr. ALLISON, and by unanimous consent, the Senate proceeded, etc.

Mr. HOAR. I understood that was the laying aside of the unfinished business and not displacing it.

The PRESIDENT *pro tempore*. So the Chair understood. The unfinished business will be announced at 2 o'clock to-day.

Mr. HOAR. That is all right; but the Journal does not state that the unfinished business was laid aside, or that it was laid before the Senate.

The PRESIDENT *pro tempore*. The uniform practice of the Senate is that when pending and unfinished business is informally laid aside, at the conclusion of the business for which it was laid aside the consideration is resumed, or, if the business be not concluded that day, then at 2 o'clock on the following day the Senate again resumes the consideration of the unfinished business.

Mr. HOAR. I so understood, but I did not know whether that required an entry in the Journal.

The PRESIDENT *pro tempore*. It does not, in the opinion of the Chair.

Mr. HOAR. I did not know but that the Journal should show that it was informally laid aside.

The PRESIDENT *pro tempore*. The expression to which the Senator from Massachusetts refers does not appear in the Journal. If there be no motion to correct or amend, the Journal will stand approved as read.

### SPECIAL AGENT BYRNE'S REPORT.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Treasury, transmitting, in compliance with a resolution of the 14th instant, copies of the sworn testimony in regard to alleged frauds and undervaluations in the New York custom-house taken by Special Agent Byrne, and submitted with his report of November 1, 1887; which, on motion of Mr. HOAR, was, with the accompanying papers, referred to the Select Committee to Examine the Condition of the Several Branches of the Civil Service, and ordered to be printed.

### PETITIONS AND MEMORIALS.

Mr. FRYE presented the petition of D. G. Luce and 70 others (31 voters and 40 women), citizens of Easton, Me., praying for the submission to the States of a constitutional prohibitory amendment; which was ordered to lie on the table.

He also presented a petition of citizens of Maine, praying for the conclusion of a treaty which shall provide for the settlement by arbitration of any differences which may arise between the United States and Great Britain; which was referred to the Committee on Foreign Relations.

Mr. PADDOCK presented a petition of 63 citizens of the State of Nebraska, praying for the passage of a Sunday-rest law; which was referred to the Committee on Education and Labor.

He also presented the petition of Robert Sterrett and 17 others (10 voters and 8 women), citizens of West Lincoln; the petition of A. McWhinney and 24 others (15 voters and 10 women), citizens of Emerald; and the petition of Robert D. Anderson and 98 others (40 voters and 59 women), citizens of DeWitt, all in Nebraska, praying for the submission to the States of a constitutional prohibitory amendment; which were ordered to lie on the table.

Mr. STOCKBRIDGE presented the petition of A. C. Hoxie and 36 others (17 voters and 20 women), citizens of East Bay, Mich., praying for the submission to the States of a constitutional prohibitory amendment; which was ordered to lie on the table.

Mr. STEWART. I present a memorial of the Legislature of the State of Nevada, representing that a large number of suits have recently been brought against mining corporations and individual miners in Eastern Nevada for cutting fire-wood for mining and domestic purposes as authorized by law, which suits have greatly embarrassed the business of mining, which is the principal business of that section, and caused great damage and hardship to the people, and asking for the suspension of these suits until a full investigation into the facts may be had.

I ask that the memorial be printed in the RECORD, as it is a memorial of a State Legislature.

The PRESIDENT *pro tempore*. The memorial presented by the Senator from Nevada will be printed in the RECORD, if there be no objection, and referred to the Committee on Mines and Mining.

Mr. BLAIR. What is the memorial which is to be printed in the RECORD?

The PRESIDENT *pro tempore*. The title of the memorial will be stated.

The Chief Clerk read the indorsement on the memorial.

The memorial was referred to the Committee on Mines and Mining, and ordered to be printed in the RECORD, as follows:

Assembly concurrent memorial and resolution relative to certain suits for taking fire-wood from certain lands in this State.

We, your memorialists, the Legislature of the State of Nevada, most respectfully represent that our State is now suffering great and perhaps irreparable injury from the prosecution in the United States circuit court for this district of a number of suits for alleged trespass in cutting timber from public lands situated therein; and with due and proper respect we take this method of appealing for relief in this behalf.

For many years prior to 1878 our people had exercised and enjoyed the privilege of cutting and using the timber growing upon the mineral lands of this State for building, mining, agricultural, and other domestic purposes. By the act of Congress of June 3, 1878, this privilege was recognized and confirmed, subject to such rules as the Secretary of the Interior might prescribe for the protection of the timber and undergrowth.

In establishing such rules the Secretary has prescribed, among other things, that the brush shall be piled or otherwise disposed of so as to prevent forest fires; that no trees shall be cut that are less than 8 inches in diameter, and that no person shall cut such wood or timber for the purpose of selling it to others. In other words, that every man, no matter what business he is engaged in, must cut his own wood, either in person or by agent.

It is respectfully submitted that these rules are utterly inapplicable to the anomalous condition existing in Nevada. The requirement that the brush shall be piled or disposed of is not an especial subject of complaint, except that it is unnecessary.

The wood growing in these mineral districts is very sparse; it causes but little brush, and such a thing as a forest fire, we believe, has seldom been known in Eastern Nevada.

But the other rules mentioned are peculiarly objectionable. Except in the Sierra Nevada Mountains, on the western border of the State, we are almost destitute of what is commonly known as timber. Our wood, which is thus designated, consists mainly of a dwarfed and scrubby growth of cedar, nut-pine, and mountain mahogany. Owing to the dryness of the climate and the



paucity of the soil in the locations where this wood grows, it frequently takes an age for a tree to attain a diameter of 8 inches, and much of it never reaches that size, hence a rule fixing such a minimum in many cases amounts to an inhibition against the cutting of any wood at all, and in a large measure deprives our people of the benefit the statute was intended to confer.

In this State timber of any kind is very scarce; it is inferior in size and quality, straggling in its growth, and is found only upon the mountain ranges in tracts widely separated from each other. Some idea of the insufficiency of our wood supply may be gathered from the fact that at Tuscarora, one of our most important mining towns, almost the only accessible fuel is sage-brush, so small that it is loaded and hauled the same as loose hay in the Eastern States, and thrown into the furnaces with pitchforks, and even such fuel as this is now being brought from a distance of over 20 miles. The rule requiring each person to cut his own wood himself, or by agent, has the effect of almost completely nullifying the statute. Mining is the chief industry of our State, the one upon which every other industry depends, and in the great majority of cases it is utterly impracticable for a miner to go into the mountains and cut his own wood or establish an agency for that purpose. The mining itself is a precarious business, requiring all of his energy, thought, and capital.

The wood grows in regions difficult of access and it has generally to be transported great distances on the backs of mules. It is obvious, therefore, that it is a tedious and expensive process, and to carry on the business at all demands a considerable investment of capital in a mule train and packing apparatus. No miner or agriculturist, save a wealthy one, could comply with these rules, and it would be highly inconvenient for even him to do so. We submit, therefore, that any wood cut and used for the above specified purposes in the State of Nevada is used for domestic purposes within the meaning of the statute. That the decision of Secretary Teller, of date May 25, 1882, in the case of Frank P. Harden, enunciates the correct doctrine upon this point; that it is the only doctrine which can give our people the full benefit of the law, and that the later rule, as established by circular of May 7, 1886, from the Interior Department, should be modified accordingly. But even this rule, unjust and oppressive as it seems to us, is not at present our only grievance. There are now pending in the circuit court of the United States for the district of Nevada no less than eleven suits for alleged trespass upon these timber lands situated in the counties of Eureka and White Pine. These suits involve different corporations and many individuals, and the amount sought to be recovered reaches the enormous aggregate of over \$10,000,000.

We are informed and believe that the amount claimed from the Richmond Mining Company, in the town of Eureka, for wood used in reducing ores is greater than the net value of all the ore that has been extracted from its mines. The timber for the cutting of which these actions have been brought, in our opinion, has been used exclusively by actual residents of this State, and in strict accordance with both the letter and spirit of the act of 1878. None of it has been transported from the State, and none of it is fit for such transportation. It is not timber which can be profitably wrought into lumber, and its character may be inferred from the circumstances that, notwithstanding the great demand for lumber which has heretofore existed in the town of Eureka, the second in importance in the State, there has never been, since 1870, a saw-mill located within 75 miles of that place. The timber is absolutely without value, except as an aid to the development of the mineral resources of the districts in which it is found.

We are not aware that any of this wood has been cut or removed, even in violation of the rules established by the Department of the Interior, nor is it so alleged in any of the complaints filed. It is a well-known fact that the land upon which it grows is mineral in character—clearly within the purview of the statute—and if it can not be used under its provisions, it can not be used at all, for there is no practical way by which it can be purchased or the title to the land acquired. The institution of these suits has had the effect of causing nearly every mine in the two counties named to suspend operations; business therein is paralyzed, and the people are menaced with absolute financial ruin. A continuation of the course foreshadowed by these prosecutions threatens the closing of every mine within the borders of our State, and the complete destruction of the Common wealth. We believe that these suits are purely vexatious in character; that they have been commenced upon the basis of misapprehension, induced by misrepresentation; that the motive which underlies them is a desire to create fees for officials and attorneys. We believe this because of the enormous amounts sued for, which are beyond all reason, being the market value of the wood instead of its stumpage value, which is all that it is worth to the Government. We believe it because the same unjust and rigorous rate of valuation has been established with regard to its redemption, the party from whom it was seized being compelled to give bond according to the full measure of the market value in order to procure its release. As a result, the defendants dare not or can not redeem; the wood remains in the hands of the officer who made the seizure, and the entire business of that community is prostrate.

Our belief that these suits are vexatious is strengthened by the fact that although the business of cutting and disposing of the wood has been carried on openly and notoriously for years, and the right to do so unquestioned, these actions are brought now for the first time, and at the particular season of the year when wood is the most valuable, seeming to be designed for the express purpose of forcing the defendants into compromise and settlement; and, further, by the fact that so many suits were brought at one and the same time, instead of first establishing the right and settling the legal principle through the medium of a single suit; and, finally, by the still further fact that, according to our information and understanding, these actions are similar in character and involve the same principle as those under which large quantities of wood were seized by the United States authorities at Butte City, Mont., in the year 1878, which action was strongly denounced at the time on the floor of the United States Senate, and led to the passage of the act of 1878, above referred to.

If this wood has been unlawfully cut and removed we believe that it has been innocently done, in the exercise of what was thought to be a well-established legal right; and as a minor, although still important, consideration, we beg to suggest that the maintenance of these suits is a great hardship upon the defendants, they being compelled to entirely cease operations, abandon their business, and travel nearly or quite 500 miles to the place of trial. In view of the foregoing we therefore most respectfully, but urgently, ask that all proceedings in these actions be suspended and held in abeyance until a full investigation of the facts may be had; and upon the completion of such investigation, if it be found that any of this wood has been cut in violation of prescribed rules, we ask that these rules may be so modified as to accord with the character of our so-called timber, and the particular conditions existing in Nevada. But if it be impracticable to so modify such rules we ask for some adequate measure of legislative relief at the hands of Congress.

*Resolved by the assembly (the senate concurring).* That copies of the foregoing memorial and these resolutions be transmitted by the governor of this State to the President of the United States, and to each of our Senators and to our Representative in Congress.

*Resolved.* That we cordially indorse the action of our Senators and Representative in Congress in their efforts to procure for us relief from the vexatious suits complained of in the foregoing memorial.

Approved January 21, 1889.

STATE OF NEVADA, Department of State, ss:

I, John M. Dormer, secretary of state of the State of Nevada, do hereby certify that the annexed is a true, full, and correct copy of the original "Assembly

concurrent resolution and memorial relating to certain suits for taking fire-wood from certain lands in this State" (approved January 21, 1889), now on file and of record in this office.

In witness whereof I have hereunto set my hand and affixed the great seal of State at my office, in Carson City, Nev., this 13th day of February, A. D. 1889.  
[SEAL.] JOHN M. DORMER, Secretary of State,  
By P. B. ELLIS, Deputy.

Mr. STANFORD presented a concurrent resolution of the Legislature of California, favoring legislation for the exclusion of Chinese immigrants; which was referred to the Committee on Foreign Relations.

Mr. BLAIR presented the petition of Robert Weir and 68 others (21 voters and 48 women), citizens of Forestville, Cal., praying for the proposal of a constitutional amendment prohibiting the manufacture, exportation, transportation, and sale of all alcoholic liquors as a beverage; which was ordered to lie on the table.

Mr. EVARTS presented the petition of William H. Winans and 54 other citizens of New York, praying for the passage of a law securing the observance of the Sabbath; which was referred to the Committee on Education and Labor.

He also presented the memorial of William H. Denney and 36 other citizens of New York, remonstrating against the passage of any bill in regard to the observance of Sunday or any other religious institution or rite; which was referred to the Committee on Education and Labor.

Mr. SPOONER presented the petition of George Wilcox and 69 others (38 voters and 32 women), citizens of Clinton, Wis., praying for the submission to the States of a constitutional amendment in relation to prohibition; which was ordered to lie on the table.

#### REPORTS OF COMMITTEES.

Mr. FAULKNER, from the Committee on Claims, to whom was referred the bill (H. R. 2661) for the relief of James Caler, reported it with amendments, and submitted a report thereon.

He also, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

- A bill (H. R. 9159) granting a pension to William A. Taylor;
- A bill (H. R. 9113) granting a pension to Frank M. Martin;
- A bill (H. R. 2737) granting a pension to Anna Krumpholz; and
- A bill (H. R. 6763) granting a pension to John Mann.

Mr. MORRILL, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 3929) to provide for the erection of a public building at the city of New Berne, N. C., reported it with amendments.

Mr. SAWYER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

- A bill (H. R. 8225) for the relief of William S. Kellington;
- A bill (H. R. 4203) granting a pension to the widow of Adam Shrake;
- A bill (H. R. 11707) granting a pension to Gertrude Northrop;
- A bill (H. R. 12403) granting a pension to Bennett Cooper;
- A bill (H. R. 12491) granting a pension to Lucinda Mewman; and
- A bill (H. R. 12510) granting a pension to George Hunter.

Mr. SAWYER. I move that Order of Business 2736, being the bill (S. 3935) for the relief of George Hunter, late captain of Company A, Columbia County (Washington Territory) Volunteers, be indefinitely postponed, as I have just reported favorably a similar House bill.

The motion was agreed to.

Mr. BLAIR, from the Committee on Pensions, to whom was referred the bill (H. R. 11184) for the relief of Jessie Isherwood, reported it without amendment, and submitted a report thereon.

Mr. DOLPH. I am directed by the Committee on Foreign Relations, to whom was referred the petition of Lewis C. Schilling, setting forth that he was wrongfully and illegally imprisoned by the Mexican authorities; that he was wounded and beaten and robbed of his money and goods; that he is and was an American citizen, and now prays Congress for some measures of relief, to submit a report thereon and ask to be discharged from the further consideration of the subject.

The PRESIDENT *pro tempore*. The committee will be discharged from the further consideration of the petition, and it will lie on the table.

Mr. DOLPH. There are some documents accompanying the report which I do not care to have printed as a part of the report, but which may be filed with the petition.

Mr. JONES, of Arkansas, from the Committee on Claims, to whom was referred the bill (H. R. 8276) for the relief of the estate of Benjamin F. Richardson, reported it with an amendment.

Mr. SPOONER, from the Committee on Claims, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

- A bill (S. 3791) for the allowance of a claim in favor of Milton J. Durham, administrator of Leonard Taylor, deceased, of Boyle County, Kentucky, for stores and supplies taken and used by the United States Army, as reported by the Court of Claims under the provisions of the act of March 3, 1883, known as the Bowman act; and
- A bill (H. R. 7618) for the relief of the Shepard and Morse Lumber Company, of Burlington, Vt.

#### DISPOSAL OF PUBLIC LANDS.

Mr. PLUMB. I am directed by the Committee on Public Lands to



report back the amendments of the House of Representatives to the bill (S. 2511) to provide for the disposal of certain public lands of the United States under the provisions of the homestead laws only, and ask that the conference heretofore requested by the House of Representatives upon the bill may be granted. I therefore move that the request of the House for a conference on the disagreeing votes of the two Houses be acceded to.

The PRESIDENT *pro tempore*. The Chair calls the attention of the Senator from Kansas to the fact that the House of Representatives made no request for a conference upon the bill.

Mr. PLUMB. Then I change the form of the motion, and move that the Senate disagree to the amendments of the House of Representatives and ask for a conference.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate; and Mr. PLUMB, Mr. PADDOCK, and Mr. BERRY were appointed.

Mr. WALTHALL. Just as I came into the Senate I understood the Chair to state that there had been no conference asked by the House on Senate bill 2511.

The PRESIDENT *pro tempore*. So the Chair was informed by the clerks.

Mr. WALTHALL. That is a mistake. The conference was asked for and the conferees were appointed by the Speaker of the House. Their names will be found on page 1743 of the RECORD.

The PRESIDENT *pro tempore*. If the facts are as stated, the proper order will be made.

Mr. WALTHALL. The facts are shown to be so by the RECORD.

Mr. BERRY. The conferees on the part of the Senate have been appointed?

The PRESIDENT *pro tempore*. They have been announced.

The PRESIDENT *pro tempore* subsequently said: The papers in Senate bill 2511, to which amendments were made in the House of Representatives, have been examined, from which it appears that the Clerk of the House did not transmit any announcement that a conference was asked or conferees appointed by that body. The Chair can not take judicial notice of what was done there, and the first order of the Senate therefore will stand.

Mr. PLUMB. Let me inquire, does that mean that the Senate accedes to the request of the House?

The PRESIDENT *pro tempore*. There is no notification to the Senate that the House of Representatives asked for a conference.

Mr. PLUMB. Then I repeat the motion I heretofore made, that the Senate non-concur in the amendments of the House to Senate bill 2511, and request a conference on the part of the Senate.

The PRESIDENT *pro tempore*. It will be so ordered if there be no objection, and the conferees previously announced will stand.

#### PAY OF STENOGRAPHER.

Mr. JONES, of Nevada, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred a resolution submitted by Mr. PLATT February 19, 1889, reported it without amendment, and the resolution was considered by unanimous consent, and agreed to, as follows:

*Resolved*, That the stenographer employed by the Committee on Territories in considering the bill (H. R. 10614) to organize the Territory of Oklahoma, and for other purposes, be paid out of the contingent fund of the Senate upon vouchers properly approved by the chairman of the committee, and that the hearings before the committee be printed for the use of the Senate.

#### MESSANGER TO COMMITTEE ON THE LIBRARY.

Mr. JONES, of Nevada. I am directed by the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred a resolution reported from the Committee on the Library for the appointment of a messenger to that committee, to report it favorably with an amendment. I ask for its present consideration.

By unanimous consent, the Senate proceeded to consider the resolution; which was read, as follows:

*Resolved*, That the Sergeant-at-Arms of the Senate be, and is hereby, directed to appoint a messenger for the Joint Committee on Library, whose services shall be devoted exclusively to the business of said committee, and that the messenger so appointed shall be selected by the said committee.

The amendment reported by the Committee to Audit and Control the Contingent Expenses of the Senate was to add to the resolution:

The compensation of such messenger shall be at the rate usually paid to messengers of the Senate, and shall be paid from the contingent fund of the Senate.

The amendment was agreed to.

The resolution as amended was agreed to.

#### HETTINGER COUNTY LANDS.

Mr. PLUMB. The Committee on Public Lands instruct me to report back with amendments the bill (S. 3751) for the relief of certain settlers in Hettinger County, Dakota. I think I will venture to ask the Senate to consider the bill now. The facts in the case are these: By reason of an error in the survey certain persons settled upon lands and acquired title from the Northern Pacific Railroad Company on the supposition that they belonged to that company. A correction of the survey demonstrated the fact that they were on public lands and not on Northern Pacific lands. The bill provides merely that the Govern-

ment may convey the lands which they are on, being public lands, to the Northern Pacific Railroad Company in exchange for a similar quantity of lands. It has been recommended by the Commissioner of the General Land Office.

The PRESIDENT *pro tempore*. The bill will be read at length for information.

The bill was read; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

The first amendment of the Committee on Public Lands was, in line 10 of section 1, before the word "settlements," to strike out "real" and insert "actual;" and in the same line, after the word "settlements," to insert the words "made prior to Government survey;" so as to make the section read:

That the Secretary of the Interior is hereby authorized and empowered to give relief to such homesteaders or others as have been adversely affected by the Government survey, by an exchange of lands with the Northern Pacific Railroad, section for section, or fraction thereof, as the interests of the parties may appear, so as to admit of the company taking other lands within the indemnity limits in lieu of the tracts covered by actual settlements made prior to Government survey: *Provided*, That the said railroad company will become a party to said exchange.

The amendment was agreed to.

The next amendment was to add as a new section:

SEC. 3. That nothing contained in this act shall be taken or construed as waiving, releasing, or in any wise affecting any right of the United States to forfeit any lands granted to the Northern Pacific Railroad Company by act of Congress to aid in the construction of its line of railroad by reason of the breach of the conditions of any such grant; and any rights to any lands acquired by the Northern Pacific Railroad Company under the provisions of this act shall be taken and held subject to whatever conditions and right of forfeiture now attach to the lands which the Northern Pacific Railroad Company may give in exchange under the provisions of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The committee reported to amend the preamble so as to read:

Whereas certain settlers in townships 135 and 136 north, range 97 west, and 134 north, range 96 west, fifth principal meridian, Hettinger County, Dakota, find that by reason of a mistake in the preliminary survey their homestead claims are on lands of the Northern Pacific Railroad rather than on Government sections: Therefore.

The preamble as amended was agreed to.

#### HOT SPRINGS RESERVATION.

Mr. BERRY. From the Committee on Public Lands I report favorably without amendment the bill (S. 3938) granting the use of certain lands in the Hot Springs reservation, in the State of Arkansas, to the Hot Springs Benevolent Association. It is a very small matter for a very worthy object, and I ask that the bill may be now considered.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### PERSONAL EXPLANATIONS.

Mr. PASCO. Mr. President, I wish to make a brief explanation. At the time the vote was taken yesterday on agreeing to the report of the committee of conference on the bill for the return of direct taxes I was absent from the Chamber on important business. Relying upon my general pair with the Senator from Illinois [Mr. FARWELL], nothing was said about this special matter, and he inadvertently voted. I merely wish to state that had I been present I should have voted in favor of a reconsideration. The fact that I was absent was overlooked by the Senator from Illinois, and therefore I was not reported as being represented on the question at all.

Mr. HARRIS. I desire to say that upon the vote yesterday upon my motion to proceed to the consideration of executive business, failing to remember that the Senator from Vermont [Mr. MORRILL], with whom I have a standing pair, was absent, I voted, when I should have announced the pair.

#### BILLS INTRODUCED.

Mr. CALL introduced a joint resolution (S. R. 139) to appoint additional commissioners to the Paris exposition; which was read twice by its title, and referred to the Committee on Foreign Relations.

#### AMENDMENTS TO BILLS.

Mr. PADDOCK submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate, and ordered to be printed.

Mr. STEWART submitted an amendment intended to be proposed by him to the House concurrent resolution relating to Maj. A. M. Miller's translation of Harris's report on irrigation in Egypt; which was referred to the Committee on Printing.

#### SELECT COMMITTEE ON PACIFIC RAILROADS.

Mr. STEWART. I submit a resolution to be referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

The resolution was read, as follows:

*Resolved*, That the Select Committee on the President's Message transmitting the Report of the Pacific Railway Commission be continued until the indebted-



ness of the Union Pacific Railroad Company, the Kansas Pacific Railway Co. 1 pany, the Central Branch Union Pacific Railroad Company, and the Central Pacific Railroad Company, as the successor to the Central Pacific Railroad Company of California, and the Western Pacific Railroad Company, to which the subsidy bonds of the United States were advanced in aid of the construction of the roads of said companies, shall be adjusted by Congress; and that said committee be instructed to personally examine during the recess of Congress preceding the meeting thereof in December next the roads of said companies and the country through which they pass for the purpose of ascertaining the ability of said companies to pay their indebtedness to the Government, and how the indebtedness of said companies can be so adjusted and paid as to advance the development of the country through which said roads pass and afford to the inhabitants thereof reasonable fares and freights. And the expenses of such examination shall be paid out of the contingent fund of the Senate.

Mr. GORMAN. Let that go over.

The PRESIDENT *pro tempore*. The resolution will lie over and be printed.

Mr. GORMAN subsequently said: I desire to withdraw the objection I made to the resolution offered by the Senator from Nevada [Mr. STEWART] for reference to the Committee on Contingent Expenses.

The PRESIDENT *pro tempore*. The objection is withdrawn, and the resolution will be referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

#### DISTRICT JURORS.

Mr. HARRIS submitted the following concurrent resolution; which was considered by unanimous consent, and agreed to:

*Resolved by the Senate (the House of Representatives concurring), That in the enrollment of the bill (S. 3640) to amend the laws relating to the selection and service of jurors in the supreme court of the District of Columbia, the Committee on Enrolled Bills is hereby authorized and directed to strike out the word "fifty-two," where it occurs in the first line of section 8, and substitute therefor the word "sixty-two."*

#### PUBLIC PRINTING-OFFICE BUILDING.

Mr. BLAIR submitted the following resolution; which was referred to the Committee on Printing:

*Resolved, That the Committee on Printing be directed to inquire into the condition of the Public Printing-Office building and to report to the Senate what immediate repairs and improvements are in their opinion necessary and practicable to insure the safety and health of the employes and the preservation of the public property; also, to report an estimate of the expenditure required, if any, for the purpose mentioned.*

#### CONGRESSIONAL ELECTIONS.

Mr. HOAR. I desire to have the resolution reported by me yesterday from the Committee on Privileges and Elections laid before the Senate. I suppose when it is laid before the Senate it will be referred instantly to the Committee to Audit and Control the Contingent Expenses of the Senate.

The PRESIDENT *pro tempore*. The Chair does not understand that the resolution reported by the Senator from Massachusetts occupies any other position than that of the report of a committee. It is on the Calendar.

Mr. HOAR. I move that the Senate proceed to the consideration of that resolution.

The PRESIDENT *pro tempore*. Will the Senator withhold his motion until the morning business is concluded?

Mr. HOAR. Certainly.

#### JOHN S. McELWEE.

The PRESIDENT *pro tempore*. The Chair lays before the Senate a resolution offered by the Senator from Maine [Mr. HALE], coming over from a previous day.

The resolution submitted yesterday by Mr. HALE was read, as follows:

*Resolved, That the Secretary of the Treasury be, and is hereby, directed to inform the Senate whether the sugar division in the appraisers' office in the New York custom-house is now in charge of John S. McElwee; and to further inform the Senate whether charges have lately been made against said McElwee affecting his personal character and conduct, and whether said charges have been investigated by Special Agent George C. Tichenor, and if such be the case to send to the Senate copies of said charges and of the testimony taken upon them, and the report of Special Agent Tichenor; and also to inform the Senate whether said McElwee has been before dismissed from the Treasury Department upon charges made against him affecting his personal character.*

The PRESIDENT *pro tempore*. The question is on agreeing to the resolution.

The resolution was agreed to.

#### CONGRESSIONAL ELECTIONS.

Mr. HOAR. Mr. President—

Mr. VEST. Is the morning business closed?

The PRESIDENT *pro tempore*. The Chair would inquire if there be further morning business?

Mr. HAWLEY. I ask the Senate to take up the joint resolution I reported yesterday.

The PRESIDENT *pro tempore*. The Chair feels impelled, under the notice given by the Senator from Iowa [Mr. ALLISON] yesterday, having charge of the appropriation bill, if there be no further morning business, to recognize the Senator from Maine [Mr. HALE].

Mr. HOAR. I hope the Senator from Maine will yield for me to ask the Senate to take up the resolution reported yesterday from the Committee on Privileges and Elections, to go instantly to the Committee on Contingent Expenses without debate.

Mr. HALE. If it is simply a question of reference, of course I have no objection.

Mr. GORMAN. I desire to say to the Senators from Massachusetts and Maine that it is impossible to have an understanding that the resolution shall be referred without debate.

Mr. HOAR. I desire to inquire of the Chair if when the resolution is taken up it does not go instantly, under the rules, to the committee without further action?

The PRESIDENT *pro tempore*. The Chair thinks that the resolution taken up would be open to debate.

Mr. HOAR. Without a reference? I supposed that the Chair had held otherwise a great many times in similar cases.

The PRESIDENT *pro tempore*. The Chair has always held, when no objection was made, that resolutions of that kind should be referred to the Committee to Audit and Control the Contingent Expenses of the Senate. The Chair does not, however, understand that that precludes debate upon the resolution.

Mr. HOAR. I hope the Senator from Maryland will allow the matter to be debated when it comes back from that committee and not now. I assure him that it shall have full opportunity for debate. I merely wish to have the committee make the formal consideration required by the rules.

The PRESIDENT *pro tempore*. Is there objection?

Mr. GORMAN. I object to the consideration of the resolution.

Mr. HOAR. Then I rise to further morning business. I will introduce the resolution, if I may be permitted to withdraw it, without the part which provides for the expenditure, and I ask that it be treated as regular morning business.

The PRESIDENT *pro tempore*. The resolution cannot be withdrawn, except by unanimous consent, without being taken up for consideration.

Mr. HALE. I will move that the Senate proceed to the consideration of the sundry civil appropriation bill.

Mr. HOAR. Mr. President, I rise to morning business.

The PRESIDENT *pro tempore*. The Senator from Massachusetts.

Mr. HOAR. I offer the resolution which I send to the desk.

The PRESIDENT *pro tempore*. The resolution submitted by the Senator from Massachusetts will be read.

The Chief Clerk read the resolution; as follows:

*Resolved, That the Committee on Privileges and Elections be authorized to inquire whether in any State the free and lawful expression of the will of the people in the election of members of the Fifty-first Congress and ascertaining the result thereof, or in the election of members of State Legislatures who have elected or are to elect Senators of the United States who may claim seats during said Congress, and ascertaining the result thereof, or in the choice of electors of President and Vice-President of the United States in 1888 and declaring the result thereof, has been prevented by violence, intimidation, fraud, or other crime.*

*Also, whether the laws governing such elections in any States have been so framed or administered as to accomplish or permit the defeat of the will of the people in such elections.*

*Also, to inquire into the facts of the recent election in the State of Louisiana, held on the 17th day of April, 1888, at which there was chosen a Legislature which has since elected two United States Senators.*

*And said committee shall also inquire whether there were in connection with the aforesaid election illegalities, frauds, false canvasses, and false returns so extensive and so systematic in their character as to show that there existed on the part of the various State election officers a deliberate plan to apparently carry said elections without regard to the votes actually cast, and to choose a governor and other State officers and a State Legislature by such illegal, false, and fraudulent means, and if so, whether said Legislature was actually and duly elected by the people of Louisiana or was in fact substantially the creation solely of the returning and canvassing officers, and whether said State of Louisiana has a republican form of government, including a Legislature entitled to choose United States Senators and to provide methods for the appointment of electors for President and Vice-President of the United States.*

Mr. HARRIS. Is that resolution just offered at this time?

The PRESIDENT *pro tempore*. It is just offered.

Mr. HOAR. Let it go over.

Mr. HARRIS. Let it go over and be printed.

The PRESIDENT *pro tempore*. The resolution will lie over and be printed.

#### ORDER OF BUSINESS.

Mr. VEST. Mr. President—

The PRESIDENT *pro tempore*. Does the Senator from Missouri rise to morning business?

Mr. VEST. No, sir.

Mr. ALLISON. Then I move to proceed to the consideration of the sundry civil appropriation bill.

Mr. VEST. I ask the Senator from Iowa to give way in order that I may call up a bridge bill, which is merely a formal matter and will lead to no debate, and it is absolutely necessary.

Mr. BLACKBURN. I will say to the Senator from Iowa that it is the same bill of which I spoke to him this morning, and which he promised to extend his courtesy for the consideration of, if the Senate would agree, upon the assurance that there would be no debate.

Mr. ALLISON. Then after the appropriation bill is taken up I will yield for that purpose.

Mr. BLACKBURN. Very well.

The PRESIDENT *pro tempore*. If there be no further morning business, the Calendar under Rule VIII being in order, the Senator from Iowa moves that the Senate proceed to the consideration of the bill



(H. R. 12008) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1890, and for other purposes.

The motion was agreed to.

Mr. VEST. Now, I ask the Senator from Iowa to allow me to call up the bridge bill. It is merely a formal one.

The PRESIDENT *pro tempore*. Does the Senator from Iowa yield?

Mr. ALLISON. I yield for that purpose only.

#### KENTUCKY RIVER BRIDGE.

Mr. VEST. I ask the Senate to proceed to the consideration of the bill (S. 3921) to authorize the Kentucky Union Railway Company to construct a bridge across the Kentucky River.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was reported from the Committee on Commerce with amendments.

The PRESIDENT *pro tempore*. If there be no objection, the amendments will be acted upon as they are reached in the text of the bill.

The first amendment was to add to section 1:

But the rate of tolls charged by said company for the passage of wagons and vehicles shall first be approved by the Secretary of War, and no tolls shall be collected unless the amount thereof is so approved.

The amendment was agreed to.

The next amendment was, in section 3, line 9, after the word "be," to add "commenced or;" so as to read:

That any bridge authorized to be constructed under this act shall be built and located under and subject to such regulations for the security of navigation of said river as the Secretary of War shall prescribe, and to secure that object the said company or corporation shall submit to the Secretary of War, for his examination and approval, a design and drawing of the bridge and a map of the location thereof; and until the said plan and location of the bridge are approved by the Secretary of War the bridge shall not be commenced or built.

The amendment was agreed to.

The next amendment was, in section 3, line 12, after the word "War," to insert:

And all the expense of said change shall be paid by the parties owning or controlling such bridge or bridges.

So as to read:

And should any change be made in the plan of said bridge during the progress of construction, such change shall be subject to the approval of the Secretary of War; and all the expense of said change shall be paid by the parties owning or controlling such bridge or bridges.

The amendment was agreed to.

The bill was reported to the Senate as amended and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read a third time, and passed.

The title was amended so as to read: "A bill to authorize the Kentucky Union Railway Company to construct a bridge across the Kentucky River and its tributaries."

#### BILLS BECOME LAWS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had this day approved and signed the act (S. 1305) to incorporate the Maritime Canal Company of Nicaragua.

The message also announced that the bill (S. 2460) granting arrears of pension to Theodore Rauthe, having been presented to the President of the United States on the 7th instant and not having been returned by him to the House of Congress in which it originated within the ten days prescribed by the Constitution, had become a law without his signature.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 139) to credit and pay to the several States and Territories and the District of Columbia all moneys collected under the direct tax levied by act of Congress approved August 5, 1861.

#### SUNDRY CIVIL APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12008) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1890, and for other purposes.

The PRESIDENT *pro tempore*. The reading of the bill will be proceeded with.

The Chief Clerk resumed the reading of the bill. The next amendment of the Committee on Appropriations was, on page 112, after line 9, to insert:

Expenses of inaugural ceremonies: To enable the Secretary of the Senate to pay the necessary expenses of the inaugural ceremonies of the President and Vice-President of the United States, March 4, 1889, incurred by order of the Senate, including pay for forty extra Capitol police for three days, at \$3 per day each, \$3,000, or so much thereof as may be necessary, to be immediately available.

The amendment was agreed to.

The next amendment was, on page 113, after line 8, to insert:

Works of art: For the purchase of works of art, and the necessary cleaning and repairing thereof, under the direction of the Joint Committee on the Library, \$10,000.

The amendment was agreed to.

The next amendment was, in the appropriations for "Public printing and binding," on page 14, line 1, after the words "two million," to strike out "and thirteen thousand" and insert "three hundred and thirty-six thousand two hundred;" so as to make the clause read:

#### PUBLIC PRINTING AND BINDING.

For the public printing, for the public binding, and for paper for the public printing, including the cost of printing the debates and proceedings of Congress in the CONGRESSIONAL RECORD, and for lithographing, mapping, and engraving for both Houses of Congress, the Supreme Court of the United States, the supreme court of the District of Columbia, the Court of Claims, the Library of Congress, the Executive Office, and the Departments, including salaries or compensation of all necessary clerks and employees, for labor (by the day, piece, or contract), and for all the necessary materials which may be needed in the prosecution of the work, \$2,336,200; and from the said sum hereby appropriated printing and binding shall be done by the Public Printer to the amounts following, respectively, namely, etc.

The amendment was agreed to.

The next amendment was, on page 114, line 7, after the word "debates," to strike out "eight hundred and two thousand" and insert "one million;" so as to read:

For printing and binding for Congress, including the proceedings and debates, \$1,000,000.

The amendment was agreed to.

The next amendment was, on page 114, line 24, before the word "thousand," to strike out "fifteen" and insert "twenty;" so as to read:

For the State Department, \$20,000.

The amendment was agreed to.

The next amendment was, on page 115, after the words "one hundred and," to strike out "fifty thousand" and insert "fifty-five thousand two hundred;" and in line 8, after the word "exceeding," to strike out "ten" and insert "twelve;" so as to make the clause read:

For the War Department, \$155,200 (of which sum \$12,000 shall be for the catalogue of the library of the Surgeon-General's Office), and not exceeding \$12,000 for carrying into effect the appropriations for the Signal Service.

The amendment was agreed to.

The next amendment was, on page 115, line 15, before the word "thousand," to strike out "forty" and insert "forty-five;" so as to make the clause read:

For the Interior Department, including the Civil Service Commission, \$345,000, including not exceeding \$10,000 for rebinding tract-books for the General Land Office.

The amendment was agreed to.

The next amendment was, on page 115, line 21, before the word "thousand," to strike out "ten" and insert "twelve;" so as to make the clause read:

For the National Museum: For printing labels and blanks for the use of the National Museum and for the "bulletins" and annual volumes of the "proceedings" of the Museum, \$12,000.

The amendment was agreed to.

The next amendment was, in the appropriations for printing "for the United States Geological Survey," on page 116, to insert:

For engraving the geographical maps of the United States, \$45,000.

The amendment was agreed to.

The next amendment was, on page 116, line 7, before the word "thousand," to strike out "seven" and insert "ten;" so as to read:

For the Department of Justice, \$10,000.

The amendment was agreed to.

The next amendment was, on page 116, line 9, after the word "hundred," to insert "and fifty;" so as to read:

For the Post-Office Department, \$250,000.

The amendment was agreed to.

The next amendment was, on page 116, line 11, before the word "thousand," to strike out "thirty" and insert "forty;" so as to make the clause read:

For the Agricultural Department, \$40,000.

The amendment was agreed to.

The next amendment was, after line 10, on page 117, to insert as a new section:

SEC. 2. That in order to provide additional accommodations for the Post-Office Department and other Departments of the Government, including accommodations for the city post-office, the Secretary of the Treasury, the Postmaster-General, and the Secretary of the Interior, acting as a board, be, and they are hereby, empowered and instructed to acquire, as hereinafter provided, the several parcels of real estate embodied in square numbered 406 of the city of Washington, bounded by F street on the north, E street on the south, Eighth street on the east, and Ninth street on the west; and for the purpose of acquiring said square, or any part thereof, a sum sufficient to pay the cost thereof is hereby appropriated; and when said property shall be acquired said board may direct that Eighth street, between E street and F street, northwest, shall be closed and used for the aforesaid purposes.

That for the purpose of acquiring said real estate the said board may purchase the same, or any part thereof, from the owner or owners; and if the said board shall be unable so to purchase the same, or any part or parts thereof, at a price that, in their opinion, is reasonable, they may, by petition in writing, apply to the supreme court of the District of Columbia, in general term, setting forth a description of the property they have been unable to purchase, and which they desire to obtain for the public purposes aforesaid, with the names of the owners or claimants of the title thereto, and of any incumbrances thereon, so far as the same may be known to them, and praying that the court will cause the same to be condemned and appropriated to the public use.

Thereupon the court shall cause public notice to be given of such application by a publication three weeks successively in two daily newspapers published in the city of Washington, stating the substance of said application, and notifying all persons having any interest or claim in or to the property so mentioned



to appear before said court on a day named and become parties to the proceeding, which publication, so made as aforesaid, shall be deemed due notice to all persons having any interest in or claim to such property. And thereupon said court shall appoint five disinterested residents of the District of Columbia to be appraisers of the value of such property and pieces of property, respectively. The said appraisers shall be sworn to a just and impartial performance of their duty; and said appraisers having been so appointed shall give notice to all persons interested in or having claims to any of such property of a time and place of hearing, by publication in two daily newspapers published in the city of Washington for six successive days, and thereupon the said appraisers shall proceed to view the said respective parcels of property and hear the representatives of the United States and the said persons in interest and claimants, and shall thereupon estimate and appraise the true and just value of such pieces of property, respectively, and report their findings thereon to the court. Upon the filing of such report the said court may hear the representatives of the United States and any parties in interest or claimants and proceed to confirm, modify, or set aside such report and appoint new appraisers as shall appear to said court to be just, and make such further orders in the premises as shall effectuate the purposes of this appropriation. And when any such report shall have been finally confirmed by said court the United States shall, upon the payment of the sums awarded by said court as the proper and just price thereof, to the parties found by said court to be entitled thereto, be deemed seized and possessed of said property for the purposes herein mentioned. If it shall appear to said court that any person having an interest in or any claim to any such parcel of such property can not be found or is unknown, or is an insane person or an idiot, or is a married woman or an infant, or is under any disability, the said court may appoint guardians and trustees for such persons, and make all such orders in the premises as shall be just for the protection of all rights, and may order that the sum of money to be paid in respect of any such parcel of property shall be paid into the Treasury of the United States to the credit of such persons so interested in or having a claim upon such property, in trust for the person legally entitled thereto. Any such sum of money so deposited may be paid out of the Treasury at any time upon the order of said court to any person deemed by the court entitled thereto upon the proper application to said court for such purpose. And in respect of any such sums of money so deposited the said court shall have all the powers of a court of equity in the administration of trust funds.

Mr. HALE. I suggest to the Senator in charge of the bill, on page 117, line 18, where the word "embodied" occurs, that a better word would be "included."

Mr. ALLISON. I have no objection to either word.

Mr. HALE. I move simply to strike out "embodied."

The PRESIDENT *pro tempore*. The amendment to the amendment will be agreed to if there be no objection.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 120, to insert as section 3 the following:

SEC. 3. That in order to provide additional accommodations for the Government Printing Office, the Secretary of the Treasury, the Secretary of the Interior, and the Architect of the Capitol Extension, acting as a board, be, and they are hereby, empowered and instructed to acquire, as hereinafter provided, the several parcels of real estate embodied in square No. 624 of the city of Washington, lying east of a 20-foot alley running from G street to H street, and bounded by H street on the north, G street on the south, North Capitol street on the east, and said named 20-foot alley on the west; said parcels being divided east and west by Jackson alley, and intersected in part by a 14-foot alley running from G street to Jackson alley; said real estate now in part being occupied by the Government Printing Office. And for the purpose of acquiring said square, or any part thereof, a sum sufficient to pay the cost thereof is hereby appropriated. And when said real estate shall be acquired, said board may direct that the 14-foot alley, running from G street to Jackson alley, shall be closed and used for the aforesaid purposes.

That for the purpose of acquiring said real estate the said board may purchase the same, or any part thereof, from the owner or owners; and if the said board shall be unable so to purchase the same, or any part or parts thereof, at a price that, in their opinion, is reasonable, they may take proceedings for the condemnation thereof in the manner provided for in section 3 of this act.

Mr. HALE. On page 121, line 1, I move to strike out the word "embodied."

The PRESIDENT *pro tempore*. That change will be made if there be no objection.

Mr. VEST. I want to make an inquiry before the amendment is agreed to. I should like to ask the chairman of the Committee on Appropriations if this amendment comes from any standing committee of the Senate.

Mr. ALLISON. No standing committee except the Committee on Appropriations that reported it.

Mr. VEST. I raise the point of order on it, and I want to state it now.

Mr. ALLISON. To which amendment does the Senator refer?

Mr. VEST. Is it in the general Book of Estimates?

Mr. ALLISON. To what section does the Senator refer?

Mr. VEST. The last section, in regard to the purchase of ground for the Printing Office.

Mr. ALLISON. I do not think it is in the Book of Estimates.

Mr. VEST. Is it in the report of the Public Printer or asked for by any officer?

Mr. ALLISON. I think the Public Printer asked for it in his report.

Mr. VEST. Does it come from the head of any Department?

Mr. ALLISON. It was inserted last year in this appropriation bill, and is one of the most necessary and important things in this bill.

Mr. VEST. I simply have to say that this amendment ought to have been submitted to the Committee on Public Buildings and Grounds. That is the committee of this body which should have considered this matter and passed upon it. The preceding amendment, which is a very important one, providing for a city post-office, has come from the Committee on Public Buildings and Grounds, I think, and

we have passed it through the Senate twice, and yet it has been given up in each instance in conference by the conferees of the Senate.

Now, we have an amendment here which does not come from the Committee on Public Buildings and Grounds or from any other standing committee, which is not in the Book of Estimates, not recommended by the head of a Department, and I raise the point of order upon it. I have not had time to examine it thoroughly, but I am informed it involves an expenditure for ground alone of more than \$180,000 with a necessary expenditure afterwards of over \$500,000 for the addition to the Printing Office which is contemplated by the amendment, making altogether in the neighborhood, I am safe in saying from my experience in this District in constructing public buildings, an expenditure of from \$700,000 to \$1,000,000 without having passed through the committee of this body which is presumed to know its duty and discharge it.

I raise the point of order.

Mr. GORMAN. Mr. President—

The PRESIDENT *pro tempore*. The point of order is not open to debate, but by unanimous consent the Senator from Maryland may proceed.

Mr. GORMAN. Mr. President, if there be no objection to my proceeding, in response to the Senator's suggestion of the point of order I will state that my recollection is very clear that this amendment was recommended and submitted at the last session by the Committee on Printing precisely as the amendment in relation to the post-office, which is contained in this bill, was recommended by the Committee on Public Buildings and Grounds; and again this session, as I remember. Therefore, I do not think the point of order is well taken. I think it is only during this session that it was reported by the committee. I do not think I can be mistaken about it.

In addition to that, I want to say to the Senator from Missouri that in no case, at no time since the establishment of the office of Public Printer, has the question of the enlargement of that building, of the additional facilities that have been required from time to time, ever come from the Committee on Public Buildings and Grounds, but it has been by law in special charge of the Joint Committee on Printing. There can be no question as to the necessity of this appropriation. It is a case that appeals to every Senator who has examined the matter. It is a question of the lives and health of the poor people who are employed in that establishment.

We have reported upon it year after year, and the Public Printer has drawn attention to it, and in his very last report is this picture drawn of the condition of that building, which is not overdrawn:

The condition of the H street wing of the office, as to its capacity to carry the weight to which it is subjected in its present crowded condition, has been a source of daily anxiety during the past year, and I have frequently felt impelled to order the discontinuance of labor and the removal of work awaiting completion, in order to relieve the floor from the dangerous accumulation of weight upon it, which threatened the lives of the employees and the safety of the property under my charge.

That building was purchased by the Government from a private citizen, it having been erected many years ago, and to-day it is in the condition which the Public Printer describes in that paragraph of his report. Not only is there danger from the building falling and burying the poor people who are employed therein, but it is anything but fire-proof. It is liable to be destroyed by fire at any time, and a fire in that section of the building would stop all the public printing of this Government the moment it took place, for there is but one engine with one motive power to run all that great machinery.

But more than that, experts who have examined it and humane people who have looked at it all declare that if it was a private establishment conducted by any citizen of the District of Columbia he ought to be presented or indicted by the grand jury for maintaining such a nuisance and keeping such a dangerous structure. I have been in it in the performance of my duty as a member of the Committee on Printing when it was impossible for the workmen to remain engaged in the work one hour at a time without being overcome with the foul gases and heat. It is a disgrace to the Government that we should compel these poor people to labor eight or ten hours a day doing the work that is absolutely necessary for the transaction of the business of the Government in such an unventilated building, one so dangerously constructed, and I submit to my friend from Missouri that it ought not to be a question of consideration of this upon a matter which is so vital and which appeals to us from every instinct of humanity.

I again repeat that it is a subject that the Committee on Public Buildings and Grounds have never had charge of. It belongs properly and has always belonged to the Joint Committee on Printing.

I trust that the Senate will retain the provision.

Mr. VEST. Mr. President, I fail to appreciate the argument made by the Senator from Maryland, after reading this amendment. What he has said goes to the present dangerous condition of the Public Printing Office, and he has drawn a very pathetic picture, and doubtless a just one, of the want of accommodations there and the absolute danger, both from fire and the falling of the building, to employees, but there is nothing in this amendment to repair that building. I agree with him that if it is in a condition such as is stated by the Public Printer in his report, it is a scandal, a shame, a disgrace to this Government, and there ought to be a new building provided; and if a bill is



introduced by the Senator from Maryland for that purpose I will undertake, though not the chairman of the Committee on Public Buildings and Grounds, but a member of that committee, to say that it shall be reported back promptly, and I have no doubt it will be promptly passed by the Senate.

What I objected to was the purchase of an additional piece of ground without remedying the very danger of which the Senator from Maryland has spoken. I will not insist on the point of order, because I do not choose to put myself in the attitude of being in the slightest degree responsible for anything that may happen there after this statement; but I do say that this matter ought to have been considered by the Committee on Public Buildings and Grounds, and I heard nothing heretofore and knew nothing of the facts which have been stated here to-day by the Senator from Maryland.

There are a great many things about the Public Printing Office which I do not approve; a great many abuses existing there; but I have long since given up any Utopian ideas of reforming the abuses that exist in this District, and I propose to avoid, except when called upon by direct duty, the cleansing of the Augean stables around the seat of Government. But it is an outrage if that state of things exists and that building is as dangerous as is stated in the Printer's report. It is an outrage to permit it to exist one session of Congress, but by this amendment it is proposed to have it continued and to purchase more ground simply to put an addition to that very dangerous and insecure structure.

Mr. GORMAN. The Senator is mistaken.

Mr. VEST. Let me read the amendment and see if I am mistaken:

That in order to provide additional accommodations for the Government Printing Office, the Secretary of the Treasury, the Secretary of the Interior, and the Architect of the Capitol Extension, acting as a board, be, and they are hereby empowered and instructed to acquire, as hereinafter provided, the several parcels of real estate, etc.

Mr. GORMAN. I hope the Senator from Missouri will allow me to explain, for evidently he has not given the question any personal examination. The whole machinery of the Government Printing Office is propelled by one engine located in the dangerous part of the building which I have described and to which I have called attention. It is not possible to stop that machinery without stopping all the printing for the Government. There is, therefore, no remedy whatever except to acquire the adjacent ground and put up a new building with another engine in it, and then tear down and remove the old structure or repair it. It is the only possible way it can be done. The Committee on Printing have spent days in looking at it. I have gone over the ground carefully myself. The present building is surrounded with rumshops, dives of all sorts and descriptions, and stables, and the Senator from Missouri, if he would go to the Government Printing Office and look at it and examine it and see the condition these poor people are in and compelled to be in, not by any fault of theirs except their poverty, he would be the first to defend it and do what I tried to do at the last session, and the chairman of the Committee on Appropriations as well as of Printing ought to see that this great wrong is righted at once. It is not the fault of the Senate. It is the first time the whole statement has been made here, and I say now the Senate ought never to submit to this proposition being eliminated from this bill. There is every reason why it should be attended to. I trust it will be, and I trust it will have the hearty support of my friend from Missouri.

Mr. VEST. The fact still remains that this report ought to have been submitted to the Committee on Public Buildings and Grounds, in order that the facts which have been stated here should be met with the proper remedy. Now, the Senator states that this building can not be repaired—that is to say, this engine can not be discontinued without stopping the entire printing of the Government. That is a fact about which I have no personal knowledge, but I do say that a new building ought to be constructed at once, and that this state of things which is disgraceful to the Government and which seems to have been in existence for some months, if not years, should have been remedied long ago by a bill to erect an addition to the Printing Office which is clear and free from the dangers that have been stated here to-day.

I withdraw the point of order, but I want to say now that whenever a bill for the purpose comes to the Committee on Public Buildings and Grounds we will act upon it promptly, for if one-third of what the Senator from Maryland says is true, it is a scandal to the Government.

Mr. ALLISON. Before the Senate passes on this section, I desire to say a word in response to the suggestions made by the Senator from Missouri. I want to say to him and to the Senate that there was no disposition in the Committee on Appropriations to aggrandize power or to draw into that committee appropriations that are not properly and fairly considered by the proper committees of this body; but it so happens that last year the Committee on Printing, which I think is the committee having proper jurisdiction of everything relating to public printing, presented this amendment to the Committee on Appropriations, not only by referring it to that committee, but by appearing and explaining in detail what has been so well stated to-day by the Senator from Maryland, as to the necessities of the Public Printing Office, and we inserted in the sundry civil bill of last year this identical amendment. We were, however, compelled to give up the amendment in conference, as we were compelled to give up the amendment respecting the post-office provision of that bill, simply because the House of Rep-

resentatives would not agree to it. We could not convince the conferees on the part of the House of the importance of the amendment. Now, seeing this condition of things and the matter appearing to the Committee on Appropriations to be urgent, we believed it to be our duty to call the attention of the Senate to the necessity of the acquisition of this property in order that a suitable building might be prepared to enable the Public Printer, without stopping the Government work, to repair the old building, which is in the condition stated in the report read by the Senator from Maryland.

I am very glad that the Senator from Missouri has made his suggestion, because it will cause the Appropriations Committee to be especially careful to not infringe upon the prerogatives or rights of other great committees of this body. We do not desire and have not in the past desired to take from the Committee on Public Buildings and Grounds any of the proper considerations that pertain to that committee as respects public buildings. We have never put upon these bills and do not propose to put upon them appropriations for new structures without those appropriations having first been considered by the proper committees of this body, and I think if the Senator from Missouri will look at the records of the past as respects our Committee on Appropriations, he will see that we have with scrupulous care adhered to our proper relations to other committees of this body.

Mr. HAWLEY. Mr. President, I concur heartily and entirely with what has been said by my colleague upon the Printing Committee, the Senator from Maryland, and I do reproach myself somewhat that I have not been more active in this matter; but I have had such bad success in any matter connected with the Printing Office that I have subsided. Four years ago we obtained the passage by Congress of an amendment, I think in the sundry civil bill, that authorized the expenditure of seven to eight thousand dollars for putting into the Printing Office one or the other kind of automatic fire-extinguishers. These fire-extinguishers are very largely in use by the large manufacturers of the country. Water pipes run through the rooms near the ceiling at intervals. They have a sprinkler, as they call it, through which the water is allowed to flow freely, distributing a shower of water over a circle, perhaps 30 feet in diameter. This sprinkler can be set in operation by a heat of any degree that may be chosen, say 140 degrees, and a fusible alloy locks the plugs, and if a fire breaks out a heat of 140 degrees melts the fusible alloy, and the sprinkler goes to work instantly whenever the heat rises to that.

The use of these automatic sprinklers in some of the great factories has proved invaluable. There never has been a large fire where the best of these sprinklers have been used. We supposed that by putting in an item of \$7,500, if that was it, for these sprinklers, it would be virtually a command to the Public Printer to do the work. I have not examined the extent to which he did do it, but for a long time he did nothing, absolutely nothing, notwithstanding the danger, and then he put in something or other over a small portion of the building.

There is a million dollars' worth of combustible property there with insufficient protection against fire. Congress did what it could in the matter, but the Public Printer, like some other Government officers—and I am not bringing that in question—assumed a special discretion over the matter after Congress had expressed its opinion.

But that is not the pending question. I said I concurred with my colleague of the Committee on Printing. The present condition of the rooms occupied by compositors and binders is discreditable to the Government. The ceilings are too low; the operatives are very much crowded there, and it is high time that we put up a safer and more wholesome building, if not more than one.

Mr. BLAIR. One gets the impression from listening to this debate that that old trap down there is very much like the Hartford hotel, and that at any time we are liable to have fastened upon us the responsibility, after due notice, of an explosion demolishing that structure and destroying the lives and health of those who are employed there.

The mere interruption of the public business is the difficulty which has been suggested, but it strikes me that we may possibly find a more serious responsibility upon the Senate and the other House now that these facts are brought to our attention if we fail in this bill immediately to make provision for such repairs—immediate and necessary repairs—and the strengthening of the structure, or the improvement of the machinery, or the immediate surroundings of that machinery, the engine, etc., as can be made with a view to immediate safety during the interim wherein even to buy this land the Public Printing Office must be utilized. It has to be occupied and kept going just as a fort is defended and kept ready for a siege, because the public business and the interests of the country require that to be done. These people must stay there, although it may be a more dangerous point on the whole than Fort Sumter in Charleston Harbor was during the siege prior to the breaking out of the war.

I suggest that this difficulty, if it be a difficulty, between the suggestions of the Senator from Maryland and the amendment pending and the Senator from Missouri might be obviated by an amendment to the pending provision by which five, or ten, or twenty thousand dollars, as the case may be, shall be appropriated for immediate and necessary and possible repairs. I suggest to the chairman of the Committee on Appropriations whether his knowledge of how to do it may



not be utilized by his proposing right here and now an addition to this amendment which the committee have reported, a slight additional appropriation to keep this old trap safe to live in or to die in, at least safe to die in, in the meanwhile.

Mr. ALLISON. I will say, in response to the suggestion made by the Senator from New Hampshire, that the Committee on Appropriations have no information that would justify them in suggesting any specific sum. If the Committee on Printing or the Architect of the Capitol will show us any way whereby this building can be temporarily patched up, I shall be willing as one member of the Appropriations Committee to appropriate a sufficient sum for that purpose.

Mr. GORMAN. We did make an appropriation last year covering that, and so far as temporary repairs are concerned all has been done by the Architect of the Capitol that it is possible for him to do.

Mr. BLAIR. Am I to understand, that notwithstanding what has been said here, the Government Printing Office is a safe and proper place for human beings to be employed in?

Mr. GORMAN. Not at all.

Mr. BLAIR. Do I understand that everything has been done to make it as safe for present occupancy as can be done?

Mr. GORMAN. I think so.

Mr. BLAIR. Then there is no immediate danger to life?

Mr. GORMAN. I think there is yet.

Mr. BLAIR. Do I understand that the engine is in danger of blowing up any more than it used to be? Is it a safe, strong, and proper engine to be employed about the work and not specially liable to explosion?

Mr. GORMAN. The engine I spoke of is within the walls of the building itself. I understand from the Architect that no further improvements can be made upon the structure as it now stands.

Mr. BLAIR. Does the Architect report this building as safe to be occupied at the present time?

Mr. GORMAN. He does not.

Mr. BLAIR. I fail to be convinced that the building can not be made safer. You can take a dying, struggling, rotting railroad bridge, and make it safe by proper supports and appendages until a new one can be erected instead of it and be ready for occupancy; and I do not believe that the Architect has made a proper report or done his full duty unless he has gone to the limit of expenditure allowed. If that building is unsafe for occupancy, if it must be abandoned until we have to find more money to make it safe, it is not the right thing that these fifteen or sixteen hundred people there are to be put day and night going in there and coming out with their lives at stake in the rendition of the service which they give for the payment of the pittance we allow them; and I respectfully ask that those charged with this matter take great care to clear their consciences, as we are informed of the existing danger.

Mr. HAWLEY. I think from the language of the Senator from New Hampshire he supposes that I am chairman of the Committee on Printing. The chairman, the senior Senator from Nebraska [Mr. MANDERSON] is not now in his place.

I have not supposed that there was any more than the ordinary risk, the average risk, in that building from the steam engine. I supposed it to be a good engine and the boiler to be good, and I supposed that the engineer and fireman are temperate and faithful men. Nor do I think the building is actually liable to fall down at any day unless the Public Printer should carelessly permit too great an accumulation of weight somewhere. Fire escapes, I think, have been sufficiently provided so that the employes can get out. But the building is unwholesome, and, as I said, the ceilings are too low and the accommodations are not sufficient. It is an old building which we ought not to continue.

Mr. BLAIR. I certainly intended no reflection upon anybody.

Mr. HAWLEY. I do not think there was any reflection.

Mr. BLAIR. I am as much to blame as any other Senator. We have a cage of death right under our own personal observation, for there is no Senator here who does not occasionally visit that building, I suppose.

I understood it to be emphatically stated in response to my inquiry, by the Senator from Maryland [Mr. GORMAN], just now that the Architect, notwithstanding his expenditures, still says the building is unsafe. It is uncertain whether he says it has been made as safe as money can make it. That is the point I am dwelling upon. Now, suppose we buy the land proposed; we erect a new Public Printing Office. We know very well that is a process of three, four, or five years; and meanwhile this building must answer the purpose, or be made to answer the purpose, for the public work must go on.

After what has been said here to excite attention and arouse suspicion and apprehension on the part of those obliged to do this work as well as on the part of those who may feel some responsibility in regard to these employes, their health and their lives, it does seem to me that immediate provision should be made for the safety of the building to be sure that the machinery, the engine, and everything else is as safe as it can be made to be meanwhile.

The matter of ventilation is not so difficult a thing for a man who

knows anything of the laws of atmosphere or atmospheric circulation. If the men and women are working in dens and dungeons there, holes can be cut and apertures can be opened and machinery introduced to create a circulation of air, as we do here in this building, as we do in this interior box, which would be simply a Black Hole of Calcutta but for some of the improvements which we have introduced here. Something of that kind can be done to save the lives of these young consumptives or these old consumptives down there, who have become such by reason of the kind of place we compel them to work in, during the next four or five years, when they must stay and work, or their successors after they have gone to the cemetery.

I think an investigation could be made within a day by the Architect of the Capitol, which would result in an estimate so that, not upon this bill, but upon the deficiency bill, or some proper bill, there could be provisions made to have something done forthwith, so that we might not at least look upon ourselves as accessories to the murder of these people if they go up in an explosion.

Mr. VEST. I want to suggest to the chairman of the committee, on page 121, line 19, to strike out the word "take" and insert "institute legal." I do not like that expression as a lawyer. At the same time it would be better to say "they may institute legal proceedings." I propose, in line 19, on page 121, to strike out the word "take" and insert "institute legal;" so as to say:

At a price that, in their opinion, is reasonable, they may institute legal proceedings for the condemnation thereof in the manner provided for in section 2 of this act.

Mr. ALLISON. I see the point of the Senator. I rather think the word "take" is a better word, because it refers back to the provision of section 2, which is a long provision, in respect to these proceedings, some of which are legal and some of which may not be absolutely in a technical sense legal proceedings. I will say to the Senator that this matter was submitted last year to the chairman of the Committee on the Judiciary for the legal phraseology, and my recollection now is that that particular word was substituted by the chairman for some other word.

Mr. VEST. I beg the Senator's pardon. I had something to do with that matter, because I drew part of this clause here. That is the very reason I suggest the amendment. The word "take" contemplates an action by the commissioners in the way of purchase which does not apply. It is not a legal term as to condemnation proceedings. The latter part of the amendment provides—

That for the purpose of acquiring said real estate the said board may purchase the same, or any part thereof, from the owner or owners; and if the said board shall be unable so to purchase the same—

Repeating the language that is used in the post-office amendment. Then we come to the coercive part, where they are not able to buy at a reasonable sum, then the language ought to be in my judgment that they "may institute legal proceedings." They do not take these proceedings themselves.

Mr. ALLISON. I do not object to the phraseology. I only hope it will stand until the amendment is finally disposed of in the Senate. I hope no other lawyer on the Judiciary Committee will suggest other words.

Mr. VEST. It is not a matter of any vital importance.

The PRESIDING OFFICER (Mr. CULLOM in the chair). The amendment to the amendment will be stated.

The SECRETARY. In line 19, page 121, after the word "may," it is proposed to strike out "take" and insert the words "institute legal;" so as to read:

1 They may institute legal proceedings for the condemnation thereof, etc.

The amendment was agreed to.

The amendment as amended was agreed to.

Mr. SHERMAN. I desire to offer an amendment, and I ask the unanimous consent of the Senate to offer it. It is to add an independent section to this bill—the same provision that was inserted by the unanimous vote of the Senate the other day on another bill, which may not reach final action. I should like to have it adopted here. My amendment is:

Sec. 4. That any company authorized by law to run cars propelled by horses within the District of Columbia is hereby authorized to substitute for horses electric power by storage or independent electrical batteries or under-ground wire, or by under-ground cables moved by steam power, on the whole or any portion of its roadway, the same to be done under the direction and with the approval of the commissioners of the District of Columbia, with authority to purchase and use any terminal grounds and facilities necessary for the purpose.

The PRESIDING OFFICER. Is there objection to receiving this amendment? The Chair hears none. The question is on agreeing to it.

Mr. DAWES. The Senator showed me that amendment the other day and I was a little doubtful about the phraseology of it. I wish he would add to that "not with overhead wires."

Mr. SHERMAN. I have no objection to that, because the language of the amendment would not permit overhead wires in any case. It only authorizes these companies to take one of the different modes of power named, either the independent battery, which is the storage battery, or the cable-road, or the electric wire with under-ground cables.

Mr. DAWES. I am inclined to think the Senator is right, but it



may be possible to describe an independent battery as one which carries its power with an overhead wire.

The PRESIDING OFFICER. The Senator from Massachusetts will please repeat his amendment.

Mr. SHERMAN. The independent battery means where the battery is in the car.

Mr. DAWES. I know that is what the Senator means and what I mean, but I do not know what somebody else may think it means, and, therefore, after the words "independent electric batteries," I move to insert "not by overhead wires."

Mr. SHERMAN. That is all right.

Mr. ALLISON. I do not object to this amendment, as the Senator from Ohio seems to think it an important amendment. I shall simply feel constrained hereafter to object to any amendments that may be offered of this character.

Mr. GORMAN. Mr. President, of course I do not believe that this is the proper place for such an amendment, and while I believe that it will probably be very beneficial to change horse-railroad power for electricity or cable, still I think it is but fair in considering this question and giving such privilege that you shall attach to it a proviso that each of these companies shall pay to the District of Columbia 4 per cent. on the gross receipts of its road. That is a provision that we have inserted in the bill that passed through the Senate last session for a cable road. It is the same provision that is in the Eckington road charter, which is propelled by electricity, as I understand.

Mr. HARRIS. If the Senator from Maryland will allow me, I think that provision has been incorporated into every charter that has been granted by this Congress, but contemplating as the Committee on the District does a thorough revision and the adoption of what we may ultimately decide to be the best system of street transportation the committee has thought we would leave that question of overhauling the general matter of taxation in respect of all the roads until we were prepared to determine upon the system that we would require to have adopted by the roads.

Mr. GORMAN. So I understand. I have heard that statement for several years, since I have been here, but we have never reached the point where we can get a test vote on any question in which the railroads are interested where we can induce them to accept a proposition of this sort.

Mr. SHERMAN. If my friend will excuse me, this provision, which is simply permissive, will not interfere in the slightest degree with the power of Congress to levy any system of taxation that it may deem proper, either upon the street-railroads or upon the other railroads. All that this does is to give them no privilege, but to give them fair notice that they will have the opportunity to substitute modern power. If they do not do this I, for one, shall be in favor at the next Congress of requiring them to do it by a pretty severe measure.

I am assured by a gentleman at the head of one of these corporations that if they had this legal authority (for I asked the question, why do you not adopt modern means of locomotion in Washington where you ought to have the best possible road) they would proceed to act, though it would involve a very large expenditure, three times the cost of the road. I said, "That makes no difference; it ought to be done." He said that their road would do it. He said—I make this statement frankly, because I expect the gentlemen to do it—he said if they got the authority, if you gave them the power, they would make a cable road the whole length of Seventh street, and they would as soon as the best motive power by electricity could be decided upon make the best possible electric road from Georgetown to the navy-yard. If they do not do it nothing is lost. We are then in a condition to make such provision as we choose; but if they do it we accomplish by their consent a great improvement for the city of Washington and the people of the whole country.

Mr. GORMAN. Mr. President, the Senator from Ohio will not understand me as opposing any of these improvements. I think with him there is great necessity for them. But I do believe it is impossible to settle this question now upon an appropriation bill. The other question of the class of rail they ought to use upon the Avenue and the F street lines is just as necessary to be settled as the motive power; and while I am in thorough accord with him and have no desire whatever to hamper any of these roads, but on the contrary wish to give them all proper facilities and all the power needed to do what is required, still we are going on in a way that I think is very unjust to the people of the District of Columbia.

If these roads get such a privilege as you grant by this amendment, in competition with the other roads that you have already chartered, they would unquestionably subject themselves without a murmur to proper taxation. They would change the rail. There are no more profitable roads than the F street and the Avenue roads in the United States, certainly none more profitable than the Avenue road. They have defied the District commissioners; they have defied everybody in Congress. There is not a possibility of getting an improvement from them unless you couple it with the condition of giving them increased facilities.

I do not want to take the time of the Senate by going into this matter now, and therefore I raise the point of order on the amendment. I object to it because we can not consider it properly at this time.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Ohio.

Mr. HARRIS. I ask the Senator from Maryland to withdraw the point of order that he raises upon the amendment, for a moment at least.

Mr. GORMAN. I will do so.

The PRESIDING OFFICER. The Chair does not understand that the Senator from Maryland has raised a question of order.

Mr. HARRIS. The Senator from Maryland distinctly made a point of order on the amendment.

Mr. SHERMAN. But he made it after the amendment had been received and the question stated on its adoption.

The PRESIDING OFFICER. The Chair asked if there was objection to receiving the amendment, and none was made.

Mr. HARRIS. I understood the Senator from Maryland to raise the question of order, and he certainly did.

Mr. GORMAN. I did.

Mr. SHERMAN. I beg pardon. The Senator from Maryland raised the point of order too late. I do not wish to make a technical point, but the question was put by the Chair before the point of order was raised.

Mr. HARRIS. That is a matter for the Chair to determine, or for the Senate to determine if there shall be an appeal; but I want to say to the Senator from Maryland that this amendment of the Senator from Ohio, whether in order or out of order, simply grants to the existing street-railroad companies of the District the right to use either electricity or cable as a motive power, or electricity by underground wires or storage batteries. I think there can be no doubt that electricity is the power that will be generally, if not universally, adopted for street transportation, and I think the earlier it is adopted the better. We need not connect in giving this authority any question of taxation upon the railroads.

That is an open question with which Congress can deal at any hour of any day that it is in session as it chooses to deal with it, and if the Senator from Maryland will introduce a bill and send it to the Committee on the District of Columbia, that committee will investigate the whole question and determine whether 4 per cent. on the gross earnings or 5 per cent. or 10 per cent. is a fair and reasonable taxation to subject them to.

But I should be unwilling to act upon that question of taxation without investigation, and therefore I hope the Senator from Maryland will not seek to incorporate into this bill anything upon the question of taxation upon the railroads, but I hope he will not object to the adoption of this amendment that the greater of these railroad companies may at once adopt electricity as a power, as some of them, I know, will do if the authority is given. I think it important to the District that they have the authority.

Mr. GORMAN. Mr. President, one year ago, or about a year ago, we had under consideration the charter of a cable road running from the east of the city and parallel with the Avenue and F street lines, and so on to Georgetown, and this same question came up. The bill came from the proper committee, and in opposition to a 4 per cent. tax at that time—it was a greater amount as I offered it, I think, as by referring to the RECORD he will find—substantially the statement he has made to-day he made then.

Mr. HARRIS. The Senator will allow me. Do I understand him to say that I was opposing the 4 per cent. tax?

Mr. GORMAN. Not at all.

Mr. HARRIS. On the contrary, I reported the bill and supported it.

Mr. GORMAN. I say that on the cable line the question of a tax upon the gross receipts arose upon an amendment offered by himself; and if my recollection is right the Senator from Tennessee, who is an honored member of the Committee on the District of Columbia, made the same statement he makes now, that it was a matter that ought to be considered by itself and without any relation to the specific bill that was under consideration granting the charter. The Committee on the District of Columbia reported another bill at this session, and they incorporated the amount that the Senate at that time thought was a fair tax—4 per cent. upon the Eckington road and upon other roads since chartered.

Therefore the Committee on the District of Columbia, so far as I know, have come to the conclusion that upon an average that is a fair tax upon the street-railroads. I think myself it is very low on the Avenue road and the F street road. But I do not care to go into that discussion now. I do not think this is the time or place for it. I do not believe we have the time for it now. Therefore I raise the point of order on this amendment; and I submit, if the Chair will permit me, that I have never known of a proposition presented and read for information against which a point of order did not lie at any time. When a Senator offers a proposition as the Senator from Ohio has offered this the custom of the Senate has always been that at any time before the vote is had upon the amendment a point of order will lie. I submit that to the Chair.

The PRESIDING OFFICER. The Senator from Ohio when he offered the amendment stated that he desired to do so by unanimous consent. The amendment was read, and the Chair announced that if there were no objection to receiving it the question would be on the adop-



tion of the amendment, and he proceeded to put the question. However, the Chair is not inclined to be rigid in reference to such a matter, and if the Senator from Maryland states that he did raise the point of order at any time during the discussion of the question, the Chair is inclined to hold that he will allow the point of order to be entertained, and he thinks the amendment can not be received unless by unanimous consent if the point of order is made.

Mr. VEST. I think I am responsible for this condition of affairs. I heard the Senator from Ohio ask unanimous consent, and I asked the Senator from Maryland a question and called his attention away from the proceedings of the Senate, and while I was discussing this identical proposition, as soon as I ceased speaking, the Senator from Maryland raised the point of order.

The PRESIDING OFFICER. The Chair recognizes his right to do it.

Mr. SHERMAN. I do not wish at all to insist upon a technical point. All I want is to accomplish a purpose. I have no more interest in the matter than anybody else. I sincerely hope that the Senator from Maryland will, before the bill is disposed of, allow the option to be given to these railroads between now and next year. I trust therefore he will reconsider the matter himself.

Mr. GORMAN. I will say to the Senator from Ohio that the identical proposition that he presents now has passed the Senate, and I am sorry to say that it was during my absence with my friend from Iowa [Mr. ALLISON] on the Appropriations Committee, and it is now a part of the Eckington Railroad charter which is pending elsewhere, so that the Senate has acted upon this proposition, and the other House has the opportunity to pass the bill which gives all that is asked for.

Mr. SHERMAN. But I was told that there was some doubt about the passage of the bill, and therefore, desiring to accomplish this object in a direct way, I offered the amendment to this bill.

The PRESIDING OFFICER. There is no amendment pending. The bill is still open to amendment.

Mr. ALLISON. On behalf of the Committee on Appropriations I offer an amendment to be inserted on page 3, after line 18.

Mr. HISCOCK. I should like to inquire of the Senator from Iowa, who represents the Committee on Appropriations, what action has been taken on the amendment in reference to establishing a light and fog-signal on the western end of Coney Island.

Mr. ALLISON. I will say to the Senator that the committee has authorized me to report that amendment, and I shall do it in a few moments.

The PRESIDING OFFICER. The amendment proposed by the Senator from Iowa will be stated.

The SECRETARY. On page 3, after line 18, it is proposed to insert:

For post-office at Lincoln, Nebr.: For paving, curbing, grading, and setting stone steps about the post-office site and public grounds, and repairing the fountain and walks in said grounds, at Lincoln, Nebr., \$10,000.

The resolution was agreed to.

Mr. ALLISON. I also offer on behalf of the Committee on Appropriations the amendment which I send to the desk, and I call the attention of the Senator from New York [Mr. HISCOCK] to it.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 8, after line 23, it is proposed to insert:

Coney Island, New York: For establishing a light or lights, and a fog-signal on the western end of Coney Island, New York, \$25,000.

The amendment was agreed to.

Mr. ALLISON. I move to amend, to come in on page 8, after line 19:

Castle Hill light-station, Rhode Island: For the construction of the light-house at Castle Hill, Rhode Island, \$5,000, additional to the sum already appropriated.

The amendment was agreed to.

Mr. ALLISON. On page 45 there was an amendment overlooked. In line 16 I move to strike out "fifty" and insert "eighty-six," so as to make the sum "\$86,000," which is the amount estimated for by the Treasury Department.

The PRESIDING OFFICER. The amendment will be stated from the desk.

The SECRETARY. On page 45, line 16, before the word "thousand," it is proposed to strike out "fifty" and insert "eighty-six;" so as to read:

Quarantine service: For the maintenance and ordinary expenses, including pay of officers and employes of quarantine stations at Delaware breakwater, Cape Charles, South Atlantic quarantine station (Sapelo Sound), Key West, Gulf quarantine station, San Diego, San Francisco, and Port Townsend, \$86,000.

The amendment was agreed to.

Mr. TELLER. I call the attention of the chairman of the committee to page 64. On page 64, line 4, after the word "repair," I move to insert the words "and protect."

Mr. ALLISON. I do not object to that amendment.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 64, line 4, after the word "repair," it is proposed to insert "and protect;" so as to read:

Repair of the ruin of Casa Grande, Arizona: To enable the Secretary of the Interior to repair and protect the ruin of Casa Grande, situate in Pinal County, near Florence, Ariz., etc.

The amendment was agreed to.

Mr. ALLISON. Now I ask to go back to the reserved amendments. The SECRETARY. On page 19, line 12, after the word "exceeding," the Committee on Appropriations reported to strike out "1 cent" and insert "50 cents," and in line 14, before the word "thousand," to strike out "seventy-six" and insert "ninety;" so as to read:

For wages of plate-printers, at piece-rates to be fixed by the Secretary of the Treasury, not to exceed the rates usually paid for such work, including the wages of printers' assistants, at \$1.25 a day each when employed, and for wages of printers' assistants at steam-presses, at \$1.50 a day each when employed, and for royalty at not exceeding 50 cents per thousand impressions for use of steam plate-printing machines, \$390,000, to be expended under the direction of the Secretary of the Treasury.

Mr. ALLISON. I call the attention of the Senator from Mississippi [Mr. GEORGE] to the reserved amendments.

Mr. GEORGE. Is that matter up now for consideration?

Mr. ALLISON. It is before the Senate.

Mr. GEORGE. Mr. President, I have been requested by the representatives of a very respectable organization of the laborers in this country and the laborers themselves, to insist before the Senate that the bill upon this subject of engraving and printing as contained on pages 19 and 20 of the printed bill, as it came from the House of Representatives, should be passed.

The bill as it came from the House provided for a royalty "not exceeding 1 cent per thousand impressions for the use of steam plate-printing machines." That provision, as I understand, was inserted for the purpose of securing a disuse of those machines in the Government Engraving and Printing Bureau. The laborers of the country, as represented by the Knights of Labor, insist that this legislation of the House, which will secure the disuse in the Engraving and Printing Bureau of the steam plate-printing machines, should receive the sanction of Congress.

They are largely interested, Mr. President, in the disuse of these machines, which put out of employment a large number of skilled laborers. Whilst I do not understand the organization to insist that merely because a large number of skilled laborers are deprived of employment by these printing machines, and for that reason alone, they should not be used, their opposition is about this: that these machines should not be substituted for human labor and to the dismissal of a large number of skilled workmen unless it can be shown that these machines do the work of the Government in a proper manner, do it as well and as effectually as it would be done by hand-work.

I have looked over the report of the House committee upon this subject, and I find that committee has reached this conclusion after a very laborious and careful investigation:

The great weight of the evidence submitted and of the opinions expressed to the committee overwhelmingly establish the proposition that the work done on the steam-press is not so good as that done on the hand-press, and the only ground upon which it is sought to justify the continued use of the inferior process is merely that the best printing is only obtainable at an increased cost.

That is the judgment of the House committee, and upon that the House acted in providing that the royalty on these steam-press machines should be so low that the effect would be to discontinue their use. This morning there has been laid upon my table a report of the Finance Committee of the Senate, who have had the same matter under consideration for some time. There is a large body of evidence which I have not had time to read, because it was only laid on my desk an hour or two ago, taken on the subject of these steam printing machines. The report of the committee, however, is very short, and I have been enabled to read it once, and I understand it to be directly in opposition to the report made by the House committee—that the Senate committee has reached the conclusion that the work can be done as well by these machines as by hand, and that therefore our committee is not in favor of the proposition to discontinue their use.

So we are confronted in the investigation of this question by the report of the committee of the other House declaring, as I have read, that these machines do not do perfect work, and with a report from the Senate committee asserting the direct contrary. In this conflict of opinion between the two committees I think it would be safe for the Senate and safe for the House to regard the matter as not determined positively by the evidence, as not taken by the evidence out of the region of debate and fair disputation; or, in other words, that the proposition that the printing can be done as well and as perfectly and with as much security against counterfeiting by the steam-machine presses has not been made out beyond reasonable and fair dispute; and in that state of the case, as it is not contended anywhere that the work done by these machines is superior to the hand-work and affords better guaranties against counterfeiting, it would be the safe thing for us to do to adhere to that mode of printing which both committees, the House and the Senate committee, agree is a perfect mode of doing the work.

I think the situation is about that. I would not be prepared to affirm, and I do not think the Senate, in view of the adverse report, and in view also of some of the evidence from which I shall read to the Senate very short extracts, is prepared to rest firmly upon the position that this printing can be as well and as perfectly done by the steam-presses as by hand-work.

I said I would read a little from the testimony upon that subject. I will read very little and it is abstracted here for my convenience by the attorney for the general executive board of the Knights of Labor.



Some of these extracts I have verified from the original documents and some I have not. I take it, as the extracts are made by a reputable lawyer, that I may rely and the Senate may rely with some confidence that the extracts are correct and not garbled or misquoted:

Mr. Graves, Chief of the Bureau of Engraving and Printing, in Senate Miscellaneous Document No. 131, says:  
 "As to the comparative merits of steam-printing and hand-printing, it may be said that, speaking in the widest sense, steam-printing is not equal to hand-printing. \* \* \* There is no doubt that the printing by that process [by hand] would best carry out the intention of the engraver." \* \* \*

There are several other extracts in this paper from skilled engravers, and I believe some from bank presidents, all to the same effect. It is not necessary to read them all.

My position, then, is simply this upon this matter: that there being conflict of opinion between the Senate committee and the House committee, there being this admission which I have read to the Senate made by the chief of the bureau, the person who is managing this business, in favor of the view presented by the House committee, we should be taking a risk upon ourselves to disregard the protest of these laborers and submit to the manufacture of the very important and very essential thing, the common currency of our country, by these steam-presses, because every greenback bill, every national-bank bill, every certificate of silver or of gold, which passes into general circulation in the country as currency is, every one of them, manufactured in this bureau. So we are under the very highest obligation, not only to these persons whose business, whose labor, whose vocation in life is interfered with by the substitution of machines for human skill and human muscle, but we are also under obligation to the great mass of the people of this country who are not skilled and can never be skilled in the detection of counterfeits; we are under the highest obligations to both these parties to pursue such course as will best tend to protect the great mass of our community from being imposed upon by counterfeit money.

As far as I have learned, all agree that the very highest type of workmanship, the very best guaranty against counterfeiting, can be had by the hand-presses. The contention upon the other side, as I understand, has never amounted to more than this, that a part of the printing on each bill, not all of it, but a part of the printing on each bill, may be as well and as satisfactorily done by the machine as by hand. But I have not heard it suggested that the operation of a machine or the use of a machine will furnish a better style of work or a better guaranty against counterfeiting than hand-work.

In view of this state of facts, I submit, with deference to the Senate Finance Committee, and to all who may disagree with me, that we ought not to discard hand-work on any part of these bills, ought not to incur the risk of counterfeiting, and ought not—and I confess that this last consideration weighs very greatly with me, and I think it ought to weigh very greatly with the Senate—we ought not in this case of doubt to discard human labor, human skill, human muscle, and substitute for them a mere machine.

Mr. McPHERSON. Mr. President, I only wish to make a single statement that will take but two or three minutes.

I think an examination of both the testimony taken by the House committee and the testimony taken by the Senate committee will reveal the fact that the plates printed by labor are much plainer, much more perfect in detail, much more difficult to counterfeit than those printed upon the machines. Certainly I so understand the testimony of the present chief of the secret service, coupled with the testimony also of his predecessor, Mr. Brooks, both of whom are charged with the discovery and detection of counterfeits; and really when a counterfeit bill is placed in circulation or suspected of being in circulation the matter is turned over immediately to the chief of the detective service. The result of his investigation is, of course, an alarm sent all over the country, and the bill is declared to be a counterfeit if discovered to be so. Therefore I do not think it ought to be a question of expense at all. It is not a question of whether it costs a certain sum or money to produce a certain result in the printing-office, but what is the most perfect mode of procedure; what is the most perfect method by which these bills may be printed. If by hand labor, then certainly no machine should be used for the purpose. I think the testimony all goes to prove, as the Senator from Mississippi [Mr. GEORGE] has said, that in a comparison between the machine-printed notes and the hand-printed notes the hand-printed are declared to be the better.

I have also had a personal conversation with the gentleman who occupies the position of superintendent of the Bureau of Engraving—not Engraving and Printing, but Engraving—perhaps one of the best experts in this country, perhaps one of the most accomplished engravers in this country, and he gives me as his view that the hand-printed notes are much more difficult to counterfeit and much more perfect and complete.

Now, in a matter which concerns the circulation of the country where people are not all supposed to be experts, certainly the very best method that can be devised should be employed, irrespective of cost. Therefore, for one, I shall vote for the House proposition in this bill.

Mr. HISCOCK. Mr. President, with the Senator from Tennessee [Mr. HARRIS] I devoted a good deal of time to the investigation of this

much-vexed question, and it is proper that I should state the conclusions which the committee reached in respect to it.

For ten years steam printing-presses have been used in the Bureau of Engraving and Printing. We print with them the backs of the silver certificates and also the internal-revenue stamps, or a part of them. The question of their introduction was first thoroughly examined by the Chief of the Bureau of Engraving and Printing and the experts of the Treasury Department nearly ten years ago, and the then honorable Secretary of the Treasury, the present Senator from Ohio [Mr. SHERMAN], ordered their introduction into the Department. Following him, they were approved by the late Secretary Folger after a thorough investigation of their work. Its value, its economy, every question connected with it was thoroughly investigated by him, and he approved of the introduction of the presses and ordered more of them.

The present Secretary of the Treasury, Mr. Fairchild, has thoroughly investigated the question, and has made it the subject of his report to Congress, approving of the introduction of steam printing-presses into the Bureau of Engraving and Printing and indorsing their work. The Postmaster-General of the United States, after a thorough investigation of the question, has concluded that postage-stamps should be printed by steam-presses. The Treasurer of the United States, who is the officer to whose attention it would be especially called if imperfect work was done by steam-presses, has most emphatically approved of the character of the work, after full examination, his judgment being based upon the work as it is turned out and based upon the reports of experts charged with investigating it. The Commissioner of Internal Revenue, thoroughly investigating the work of steam-presses, has added his approval to that of these other Government officials, and it stands upon the record to-day that every Government official charged with responsibility for the perfection of this work has approved it; there is no exception.

A Senator has read a quotation from the report of Mr. Graves, the chief of the Bureau of Engraving and Printing, from which it is argued that the work is not as perfect as that of hand-presses. If you consider all the work which can be printed—and that is what I understand him to say and to mean—I suppose this may be true, that with reference to the highest and most elaborate character of engraving hand-presses are better adapted for the work than steam-presses, and it is for that reason that they have only been put to work upon postage-stamps, the backs of silver certificates, and internal-revenue stamps.

It is suggested here that the work turned out by the steam-presses is more easily counterfeited. I say to Senators that that is not proved before either committee. Detectives might express their opinion, experts might express their opinion, but there is evidence more unerring than that. That evidence is the record of the counterfeits which have been put into circulation; and when you call for the counterfeits that have been put into circulation and compare those printed by the steam-press with those by the hand-press the case fails, and since they have been in use the evidence is that only two of the silver certificates have been counterfeited.

But, Mr. President, on this question of the acceptability of the work there is a class of evidence which is higher than all this I have referred to, which is above it, which should answer the objection of the Senator from New Jersey. This matter has been under discussion before committees now for nearly a year, and not a word of complaint has come from the people who take the money, or from the bankers or the officers of banks; quite the contrary. Leading bankers gladly, at least readily, furnished the committee that had this matter under discussion and investigation with their testimonials in favor of the present printing of the silver certificates. Those banks, through which the most of this currency goes, readily furnished the testimony that this printing was satisfactory to them and satisfactory to the money-taking people of the United States. The effort to abolish the use of steam printing-presses is not backed up by any officer or by any individual in the whole country responsible for the character of the money which is put into circulation or by one that places money in circulation. The work of the steam printing-presses has the approval of moneyed institutions of the country, and I do not recall now a scintilla of evidence or a suggestion of an objection from the banks or bankers of the United States opposing this manner of printing.

Mr. BLAIR. May I ask the Senator a question?

Mr. HISCOCK. You certainly may.

Mr. BLAIR. Do they claim that the steam-printing press-work is better than the hand-work?

Mr. HISCOCK. The letters with which we were furnished are printed in the report and are brief, and I have not the slightest objection to reading them, and then their language will not be misunderstood. Here is the letter of Mr. George S. Coe:

THE AMERICAN EXCHANGE NATIONAL BANK, 123 BROADWAY,  
 New York, October 4, 1888.

DEAR SIR: In reply to your note of yesterday asking my opinion of the design, engraving, and printing of the United States silver certificates of series 1886, especially of the backs, I take pleasure in saying that they seem to me to be of excellent quality in every respect. The backs of them all, which I have carefully examined, are in printing and in every particular in the best style of the engraver's art, and I see nothing in them to condemn, but everything to commend their workmanship.

I have also seen a counterfeit of each the \$1 and \$5 notes. They are such mis-



erable imitations of the genuine that a glance at them by the least experienced observer would show them to be spurious. They have never caused us annoyance. The faces of them are bad, and the backs are worse.

Yours, very respectfully,

GEORGE S. COE, President.

E. O. GRAVES, Esq.,  
Chief of Bureau, Washington, D. C.

Mr. BLAIR. My question to the Senator was one which that letter does not seem to answer, and if the other letters are of the same import they would not reach the question. My question was whether these bankers and outside parties who are engaged in printing certificates and notes and stamps themselves, and are, of course, interested to make them as cheap as possible in order that they may make as large a profit as possible on the product which they put forth upon the country—I ask if even they claim that the steam printing-press does any better work than the hand-press? I do not ask if they say it is equally good, but whether they claim that it is any better than the work of the hand-press.

Mr. HISCOCK. I may say, in reference to that, that as to the printing of the backs of the paper, the weight of the evidence was that it was fully equal to the work of the hand-presses and that the general average of it was better.

Mr. BLAIR. May I ask the Senator another question?

Mr. HISCOCK. I will add this, which perhaps to some extent answers the question, that in the examination before the committee experts who were produced by those who were urging the hand-presses and that they should do the work, in designating the work which was submitted to them, they claiming that the work of the hand-presses was superior to that of the steam-presses, in three cases out of four I think every one of them indicated the work which was presented to them as coming from hand-presses when in fact it was the work of steam-presses.

Mr. BLAIR. May I now ask the Senator a question?

Mr. HISCOCK. Certainly.

Mr. BLAIR. I ask just this specific question, whether it was proved in his belief before the committee that the highest style of the steam printing art is superior to the highest style of the hand-press work?

Mr. HISCOCK. I will answer that.

Mr. BLAIR. I do not ask now, for I see that either I do not make my question distinct or the Senator does not understand me.

Mr. HISCOCK. I understand the Senator's question and I will answer it.

Mr. BLAIR. I do not ask for a comparison of inferior hand-press work or average work as it is done, because I do not understand that is the real issue.

Mr. HISCOCK. The judgment reached by the committee was that the average of the work by the steam-presses upon the backs of notes was superior to the average of the work done by hand-presses.

Mr. BLAIR. That does not answer my question, if the Senator will pardon me. I am of the opinion myself that there is a great deal of bad work put upon the country, and that counterfeits result, and that the currency of the country is a very inferior article to some extent, whether done by hand or steam presses. I do not ask the Senator to compare the average of the two kinds of bad work, but I ask the Senator whether it is not the force and effect of all the testimony from every source that the highest quality of hand-press work is better than the steam-press work?

Mr. HISCOCK. I say to the Senator no, so far as hand-presses and steam-presses are used upon the backs of notes. The only way we could judge in reference to that was by the results, and I think the Senator who united with me in this investigation will concur with me that the best average results are reached by the steam-presses rather than by the hand-presses. I hope that answers the Senator's question.

Mr. BLAIR. Certainly. That is all I asked for some time ago.

Mr. HISCOCK. I have tried to make it clear, and trust I have.

Mr. BLAIR. It is clear now.

Mr. HISCOCK. I will say also in reference to this subject that it was not supposed by the committee that that high art which should be employed in printing engravings for the decoration of gentlemen's houses should be resorted to in the printing of money, but that a high enough art and excellence should be invoked to guard against counterfeiting and answer the needs and requirements of the country, and if you please make the work respectable for a great nation. If high art protects against counterfeiting, that high art should be invoked; but money at most is for temporary use; it is not to be preserved for ornamentation; and when you have reached that excellence which answers the needs and requirements of the Government, that excellence which is above criticism from the money-taking people and the money-circulating people of the country, the Government has got far enough. That was the conclusion that we arrived at.

Mr. BLAIR. May I ask the Senator a question?

Mr. HISCOCK. Certainly.

Mr. BLAIR. I ask whether the Senator considers the paper money of the country in circulation as we find it as universally of good quality as it ought to be.

Mr. HISCOCK. Well, I do not know that I want to pass judgment on it, but I will say this—

Mr. BLAIR. It is a vital question.

Mr. HISCOCK. I will say if it is not, it is not the fault of the steam-press printing.

Mr. BLAIR. That is the question at issue.

Mr. HISCOCK. It is not the fault of the steam-press printing, and in my opinion the faces of the silver certificates, taking into account the combination of figures in the engraving and all that, is not comparatively a higher style of art than the backs.

The committee that have had this subject under investigation were very much disposed to believe that a question of administration of this kind could well be trusted to the Secretary of the Treasury, the experts under him, the Treasurer of the United States, officers most sensitive to public opinion on the question; and we were of the opinion that Congress was encroaching a little too far upon the executive when it proclaimed as to the manner in which postage-stamps were to be printed, internal-revenue stamps were to be printed, the backs of silver certificates were to be printed, and when it came down to the manner in which they were to execute it these high officers that I have named in constant contact with the public could not be intrusted with the administration of the Engraving and Printing Bureau of the United States.

In reference to the economy your committee were entirely satisfied that the work which is done by steam-presses is done at least 50 per cent. less than it would cost to do the corresponding work upon the hand-presses. I am not so much of an economist as to stand here and advocate that even if it would be with the result of poor work which might be counterfeited and through which the people of the country might be defrauded. But there was no evidence of that kind before the committee. Quite the contrary, the evidence was that it was no more susceptible or easily counterfeited at least than the work by hand-presses. The evidence in my judgment is uncontradicted that the use of steam-presses does save to the Government annually between three or four hundred thousand dollars. I have seen no successful criticism of the estimates of the Treasury Department in making that statement.

As I said a little while ago, if that is at the expense of work which does not come up to the expectations and the desires and the demands of the people, then expend the three or four hundred thousand dollars more; but I repeat that the people, so far as they have been heard from, through the representative bankers of the country at least, stand here to-day commending and approving this work, and saying they are satisfied with it.

It has been said in the course of this discussion that the effect of the steam-presses has been to turn people out of employment. That is quite a mistake. An effort was made to prove that lower wages had been paid by reason of the introduction of steam-presses. That part of the attack broke down and the average wages paid by the Bureau of Engraving and Printing to-day are as high as they have been, and I think it is fair to say that the employment has been more constant.

Mr. BLAIR. May I ask the Senator a question?

Mr. HISCOCK. Certainly.

Mr. BLAIR. I may say in excuse that we have just this moment, or at least 10 minutes to 1 o'clock, received the evidence from the committee, and of course the Senate is entirely in the dark as to the ground of the Senator's statements; but my question is this: The Senator states that the working people are as well off with steam-presses as without them.

Mr. HISCOCK. I do.

Mr. BLAIR. If that be so, why is it that the working-people are, and so far as I know all the working organizations of those who are employed in this specific industry, universally opposed to the steam-press, saying that it does interfere with their avocation, and also contending that the work is of an inferior quality?

Mr. HISCOCK. Do I understand, as we are now asking questions, that the Senator from New Hampshire stands here to-day as the advocate of the removal of labor-saving machinery from the country? Do I understand that that is the ground of attack?

Mr. BLAIR. Does the Senator want an answer?

Mr. HISCOCK. Yes.

Mr. BLAIR. Does he recognize that I may want one to my question too, because I asked him one first?

Mr. HISCOCK. Yes, sir.

Mr. BLAIR. If the Senator will answer my question I shall be very glad to answer his.

Mr. HISCOCK. I certainly shall answer any question the Senator wishes to ask.

Mr. BLAIR. If you take them in chronological order, my question was how it happened that those employed in this specific avocation universally, so far as I know, and the working organizations generally, are opposed to this steam printing-press if it does not intermeddle with their occupation and does not for the time at least reduce the rewards of their labor?

Mr. HISCOCK. I can only say in answer to that question that it is a subject for speculation. How this has been brought about is more than I know. How far the labor organizations of the country are understandingly or without thoroughly understanding this question against it is more than I know. On that question I say to the Sen-



ator frankly that it is a matter for guessing and speculating, and I have no doubt that he can guess and speculate on that matter as wisely as I can.

Mr. BLAIR. Then the Senator has introduced no point of difference about it.

Mr. HISCOCK. I simply said, which I repeat, that so far as work is concerned as high wages are paid for that and as constant employment is furnished as before those presses were introduced into the bureau.

Mr. BLAIR. Does the Senator mean that as high wages are paid for steam-printing work?

Mr. HISCOCK. I would say as high wages in some instances, where the mode of compensation has been fixed for the piece as for the day. I would say that on an average the employes receive as high wages.

Mr. BLAIR. Then I understand the Senator's statement is with reference to those employed in steam-printing.

Mr. HISCOCK. I am not aware that there has been any considerable abatement of the wages that have been paid to those.

Mr. BLAIR. The Senator's statement, which led me to trouble him with the question originally, was that the wages of the hand-press printers had not been interfered with by the steam-press printing, and that being so, why should they oppose it?

Mr. HISCOCK. I did not say that their work had not been interfered with. What I did say, or what I supposed I was saying, was that not in this case, as there never was a case where labor-saving machinery resulted in the reduction of wages that are paid to those who labor.

Mr. BLAIR. If the Senator desires, I will answer his question by saying no.

Mr. HISCOCK. I am very glad to hear it. I say to the Senator, in response to that suggestion of his, that, in my judgment, there is no reason for discontinuing the use of steam printing-presses unless it is the object and purpose to forbid the Government of the United States from using labor-saving machinery. I challenge all this evidence upon that question, and I say that there is no ground on which you can justify it except it be that the Government of the United States should not use labor-saving machinery.

I have reviewed the facts somewhat. The labor performed by the steam-presses is satisfactory to everybody who uses it or is responsible for its being made. Its work is not more subject or liable to being counterfeited. It is 50 per cent. cheaper. Tell me, then, why the presses should not be used?

I will add to my statement that if you pass the bill in the form in which it came to us from the other House, there are not hand-press printers enough in the United States to do the work of the Government and of private parties. That fact stands unchallenged in the record that has been submitted by the committee to the Senate. The effect of it would be practically to make a corner with reference to the men who print upon hand-presses. There is not enough of them in the country to do the work which would devolve upon them in the Engraving and Printing Bureau and in the private offices which are using those presses to-day.

It is true that steam printing-presses have not reached the point of doing that high and excellent work which is required upon fine engravings and upon the faces of bills. I grant that that may be accomplished in the future. It is difficult to fix the limit to what may be accomplished by ingenuity, and skill, and science, and in the mechanical arts.

I emphasize that there is no reason why the use of these steam printing-presses should be discontinued unless it is for the purpose of saying to the Government that you shall not use labor-saving machinery though it gives you as good results and as good work as hand-presses.

Mr. HAWLEY. Will the Senator pardon me?

Mr. HISCOCK. Certainly.

Mr. HAWLEY. I understood the Senator to say just in the preceding sentence that these steam-presses could not do fine work.

Mr. HISCOCK. I said, and I hope I shall not be misunderstood, that the work which they do execute is as excellent as the work which is done by hand-presses. I say that as high order of work can be done of that character by steam-presses as can be done by hand-presses.

Mr. HAWLEY. Will the Senator pardon me again?

Mr. HISCOCK. Certainly.

Mr. HAWLEY. He has just been saying that he will not trust steam-presses with the faces of bills, where exquisite work is required.

Mr. HISCOCK. Does not the Senator from Connecticut understand that for one class of work one method may be required, where there is more of combination, and of higher order, and all that, than of a lower class of engraving? Certainly I should not stand here to educate the Senator from Connecticut upon a question of that kind. What I say in reference to it is, and I repeat it, that as to the work which is done upon the steam-presses it equals, and in my judgment the general average of it is higher, than that done by the hand-presses.

Mr. BLAIR. I understand the Senator to say, if he will permit me, that the steam-press will do as high or a higher order of low work than the hand-press.

Mr. HISCOCK. The Senator can put it in that way if he chooses. He does not misunderstand my argument or position.

Mr. BLAIR. If the Senator will permit me, then, I will see whether I do. I understand him to say that the work on the back of the certificate is a lower order of work than that upon the face, and that this low order of work—

Mr. HISCOCK. I will qualify my statement to the Senator in just one respect. I do not know and I do not state that it is a lower order of work.

Mr. BLAIR. Than that upon the face?

Mr. HISCOCK. No; it is an entirely different kind of work from that on the face.

Mr. BLAIR. And that upon the face can not be done by the steam-presses?

Mr. HISCOCK. It has not been successfully done. What I say is that the class of engraving from which the backs are printed can be as successfully done by the steam-presses as by the other presses.

Mr. McPHERSON. Will the Senator from New York yield to me for a question?

Mr. HISCOCK. Certainly.

Mr. McPHERSON. If the printing of the face of the notes can not be successfully done by steam-presses, would it not be an additional safeguard if the backs of the notes were printed by hand-presses as well?

Mr. HISCOCK. I can only answer the Senator in one way in reference to that point. So far as the printing of the backs is concerned the work is acceptable, as I have said, to every officer charged with responsibility for their production. It is satisfactory to the money-taking and money-circulating people of the country. There is no complaint here against the character of the work from any source whatever which is interested in it as a circulating medium.

Mr. McPHERSON. Will the Senator yield again?

Mr. HISCOCK. Oh, yes.

Mr. McPHERSON. I am afraid the Senator has not read the testimony which he himself has ordered to be printed.

Mr. HISCOCK. Oh, yes; I heard it.

Mr. McPHERSON. Very well. I turn to the testimony of Mr. Bell, the present chief of the detective service. He says in answer to a question:

When a bill has been used some time—

Speaking of the printed bills—

I could not say positively that a \$5 silver certificate of the 1886 issue is genuine if printed by a steam-press. I can tell them when they are new. But we have a miserable-looking lot of genuine bills; I will tell you that.

Now, I turn back to the testimony of Mr. Brooks, the predecessor of Mr. Bell, who had been a long time the chief of that service, and a man of very extraordinary ability and great success in the management of that department. He proceeds also to say, speaking of counterfeiting, that it has acquired perfection at the present time, it approaches so closely to the genuine in all the details; and that recent counterfeit bills that have come out are almost like the genuine. Mr. Bell speaks of a case in which an expert who had been employed by the Government for some ten or twelve years at Pittsburgh, Pa., sent three of the printed notes to headquarters with the declaration that they were counterfeit. The imperfect character of the notes compelled him, although an expert, to the belief that they were counterfeit notes, and he transmitted them to the chief of the department here. Upon investigation by the chief he discovered that they were genuine, but they were so imperfectly printed, there was such a dimness about them—they were not printed deep enough, I may term it—the result was that the expert was deceived.

Let me ask the Senator from New York if the experts of the Treasury Department are often deceived with respect to these notes, so that it is almost impossible to determine whether they are counterfeit or genuine, how many of these notes may be in the circulation of the country to-day, unknown by anybody, undiscovered, which in the end must necessarily be thrown out, and certainly to the injury of somebody? Hence, from the Senator's own argument, and I have listened with a great deal of interest to it, I think the Senator has not made out his case.

Mr. HISCOCK. The Senator from New Jersey does not understand that I have yielded the floor, I suppose.

Mr. McPHERSON. I will yield the floor again to the Senator if he will please answer a single question.

Mr. HISCOCK. I will yield.

Mr. McPHERSON. If the Senator will answer a single question I will take my seat.

Mr. HISCOCK. I have been listening to the Senator's remarks with great pleasure. They are extremely able.

The PRESIDENT *pro tempore*. Does the Senator from New York yield to the Senator from New Jersey?

Mr. HISCOCK. Certainly, if he desires to make a speech now, if I can have the privilege of resuming the floor when he gets through.

Mr. McPHERSON. I will yield the floor. I admit I am taking too much of the Senator's time; but if the Senator will give me a moment to ask a question to which I desire an answer, he will please not think hard of me.



The PRESIDENT *pro tempore*. The Senator from New York yields to a question.

Mr. HISCOCK. I yield for a speech, provided I can resume the floor when the Senator from New Jersey has finished.

Mr. McPHERSON. My question is this: The Senator challenges all the statements that have been made to the contrary of his proposition. Will the Senator please tell me upon what ground he challenges them?

Mr. HISCOCK. I challenge them because they are unsupported by any facts. Gentlemen were called who gave opinions, and when the records of their office were brought before the committee they failed to establish the opinions. Gentlemen spoke about the character of this money, and yet with all the investigation that has been had with reference to it, when action by Legislatures has been invoked (I believe the Legislature of New Jersey passed some resolution upon the subject, at least I heard so, but the bankers of New Jersey are satisfied with the work), the men who circulate the money are satisfied with the work. Petitions have been presented here from organizations. Did they investigate it? Did they pass upon these questions as experts? Oh, no! Whenever the question of opinion of experts has been introduced it has all been the other way. Go to the Treasury Department where this money comes for redemption to the Treasurer of the United States, and his testimony is in favor of it; and when you go into the secret service division for testimony in respect to counterfeits you find that there is no case against this character of work.

Mr. President, I desire to add but a little more to what I have said, and I shall appeal for corroboration upon this question to the distinguished Senator who has charge of the bill. The very moment that you remove these presses it is necessary to add to your bill a quarter of a million dollars for additional room in which to do the work of the Government. I have heard a distinguished ex-Secretary of the Treasury say that the present Bureau of Engraving and Printing was built by money that had been saved by this process.

Are we ready to say that all Government printing shall be done by hand-printers? Beer-stamps, in the highest excellence of art, to be used once; postage-stamps—the bill which was introduced did not cover them, I grant, and simply, as it was announced, because there was out a contract for the printing of them—postage-stamps, that are to be used once, in the highest style of art; the stamps upon your cigar-boxes, to be used once; not counterfeited; no record of their ever having been counterfeited that I am aware of, the public satisfied with them, but in the highest style of the art! That is what is asked. That is what the House provision means. It means what I said awhile ago, that the Government of the United States shall not use labor-saving machinery.

Mr. HAWLEY. Mr. President, if this were, as the Senator from New York endeavors to make us believe, a simple question of driving out new machines, I should not take the floor for a moment. There is no nation that has so fully accepted the inevitable necessity of inventions as the American nation. We do not hear of great strikes in the United States because of the introduction of a new loom or anything of that description. Nobody thinks of going back to the old way of manufacturing steel rails after he has seen the Bessemer product and process. But I need not argue the question at all. Every day there is filed in the Patent Office some new device for saving labor, and every one is hailed, I may say unanimously, by the people of the United States as an advance in civilization. Even the men who may temporarily lose employment by it must acknowledge that their fellow-men are, in general, benefited.

I do not believe that a steam-press, a machine-press, if I may speak of it in that way, can possibly do work in the highest style of the art, nor does the Senator from New York. He has admitted it over and over again in what he has said. He has said that the work of the Government of this kind does not demand the highest kind of art, such as we wish to put upon the walls of our houses. That is an admission that it is not capable of the highest style of the art.

He says that it is good enough to protect against counterfeiting and be respectable. Well, I have never denied that; but that is an admission that it is far below a respectable style of art, or of the highest style. He says this money is not preserved for ornamentation. There, again, he is admitting that it is not in the highest style, that the steam-press is not capable of the highest style of work. He said it was good enough. That was one of his phrases.

He says it is no more easily counterfeited than hand-work. I think it is, and I will try to show it before I get through. He says steam-presses have not reached that high stage required for the faces of bills. That is another admission. If the steam-press can not do the work on the face of the bill as well as it can do it on the back, it can not do the work on the back as well as the hand-press can do it. That is an inevitable inference.

Before I forget it, I call his attention to another fact. He referred to the previous indorsements of this style of work, and one of them from Secretary Folger. Under the Folger administration it is my impression that the Lee presses were condemned—were thought to be not good enough for the work.

He tells us that there are not men enough in the country to do this work by hand if we dispense with these nineteen steam-presses. But

it will take only from about sixty to seventy-five men more—sixty men more, I am told—and they can be found. I am told by men of the trade who know, that there are not less than five hundred or six hundred men who are capable of doing this work and trained to it to be found in Philadelphia and New York who would be glad to get more work to-day.

A law that required the work on Government paper currency to be done in the highest style of art would rule out every one of these presses. Now, the Senator admits that over and over again.

He says the bankers are satisfied with it. Those of them who give it no consideration any further than to count it and to put it out, I presume are satisfied with it. They have not examined the subject, many of them, particularly. I would rather have the judgment of a veteran counterfeit detective than of any bank officer who had not any taste for art or had not specially studied it.

He has a note from a very excellent gentleman, Mr. Coe, of New York, who thinks it is good enough, or something to that effect; but, on the other hand, here is a letter to me from Mr. Bell, who is at the head of the secret service division of the Treasury Department:

WASHINGTON, D. C., February 12, 1889.

SIR: I have the honor to acknowledge the receipt of your communication of the 11th instant, asking reply to the following questions, namely:

First. Are the Government securities, in your judgment, printed in the highest style of the art; and is it necessary that they should be?

Answer. No, they are not; and I deem it necessary that they should be.

Second. Do the steam-presses print as good impressions as the hand-presses?

Answer. No, they do not.

Third. Do the present issues of silver certificates compare favorably with former issues in wear and execution?

Answer. No, they do not by any means.

Fourth. Are the present issues more easily counterfeited than former issues?

Answer. Yes, in my opinion they are. The former issues were printed in more colors, and in a higher style of art, which could not be so readily photographed; whereas the present issues have less colors and can be easily photographed.

Fifth. Do you hear of any complaint from the public generally, regarding the silver certificates?

Answer. Yes, a great many complaints from the public generally, and the bankers in particular.

Sixth. Since the issue of silver certificates have many counterfeits appeared? If any, how were the counterfeits produced?

Answer. The following counterfeit silver certificates have made their appearance:

One dollar, letter D series 1886; photogravure.

Five dollars, letter D series 1886; photogravure.

Five dollars, letter A series 1886; engraved.

Ten dollars, letter D series 1880; photograph.

Ten dollars, letter, none, series 1880; lithograph-stone plate.

Ten dollars, letter, none, series 1880; roughly chiseled on marble plate.

Twenty dollars, letter B series 1880; photographed and colored by hand.

Twenty dollars, letter C series 1880; engraved.

Respectfully, yours,

JOHN S. BELL, Chief.

Hon. JOSEPH R. HAWLEY,  
United States Senate.

Mr. HISCOCK. For what year?

Mr. HAWLEY. Eighteen hundred and eighty.

Mr. HISCOCK. I hope the Senator will state the year, for that is quite material. Of necessity they must be counterfeits of certificates issued since 1886, or else the hand-press and steam-press discussion of methods does not enter into it.

Mr. HAWLEY. This question has been since the issue of silver certificates?

Mr. HISCOCK. Since the issue of silver certificates. The printing of the backs by steam-presses has been since 1886.

Mr. HAWLEY. There was printing done on the silver certificates with the steam-press before?

Mr. HISCOCK. No, sir.

Mr. HAWLEY. That was not my information, but I will accept it.

I have a specimen or two here of this work. I will show the reason why as they do the work now at the Bureau of Engraving and Printing they are not protected against counterfeiting as they ought to be. It has been the boast of the American, it has been his boast as a matter of fact, that there was no steel-plate engraving and printing in the world better done than that of our national currency. It was justified. I have here three old legal-tenders, the kind that became famous as greenbacks. They were hand-printed of course in that day. On the back as one impression the greenback has its exquisite engraving under the geometrical lathe. The face goes three times to press: first, for the ordinary black; second, for the green shades and ornamentations; and thirdly, for the red seal, which red seal is printed from a plate cut into an intaglio. Now they are printing this red seal by surface printing; that is to say, after printing the ordinary back it makes a dab of red ink upon the bill, and the other side is pressed upon a plate with trenches cut in it so as to make a deep impression. The ink in that case would appear to be raised and a new impression would feel a little rough.

On the other hand, I have one of the one-dollar certificates. The back was printed by the steam-press. The paper was moistened in order to do it. It then had tremendous pressure upon a very hard smooth plate so that the face was calendered or finished off like your society note-paper almost by this tremendous pressure. It then goes through the hand-press to print the face, but as it is moistened this hardened paper under tremendous pressure does not take the moisture equally in all



its places and the impression is not a perfect one. It is made right upon the surface of the paper. With the older and the firmer paper that was spongier, like the paper upon your walls, in fine engraving the ink was thoroughly taken up; it was carefully prepared by hand on the plate. It was thoroughly taken up and became embodied in the body of the paper. This one-dollar silver certificate with the exquisite vignette of Martha Washington upon it is mere surface printing, I may call it. Though a hand-press, it can not do the work so well by reason of the work of the steam-press previously performed upon the back of the note.

I saw an employé of the Government take one of your ordinary rubbers that you have on your desk, the one used to rub out ink, and touch the signature of Rosecrans here a few times, and it has disappeared; it has been wiped out as you would wipe out a speck from glass. Then he touched the background around the face of Martha Washington two or three times in that way, and you can see by examination that that is nearly gone.

That is not all. The old note that I have here had three colors upon the face of it. This is printed only once for the black, and then this surface-printed red seal is put upon it. That surface-printed red seal can be taken off with rubber. The counterfeiter carefully taking off this red seal stamp has nothing to do but to photograph that bill. The old bill with its green tint could not be photographed. Even in that way to-day he rubs the red off, because the red would take black.

There is no special difficulty in counterfeiting silver certificates of any description. The gentlemen who use the steam-presses testified that they were making paper money for Brazil and other governments, and good paper money. At the time they were testifying that, there were appearing in the New York papers accounts of the arrest of various counterfeiters who had been counterfeiting the Brazil money. They printed both back and face, I take it, for the Brazilian Government on the steam-presses.

I have here an old five-dollar bill, a legal tender, that has its three tints carefully printed upon it. Here is a new one that is without any green tint whatever on the face of it, making it comparatively easy to print. Here is a five-dollar silver certificate counterfeit. There is no particular difficulty in counterfeiting it. It has got the red seal. It looks very well indeed to the eye of the casual observer. It is simply a photograph, taken in by some bank somewhere and the letters "counterfeit" cut or burned through it with a stamp.

The difficulty I will explain in a moment in doing the highest style of work with steam-presses. In the old-fashioned way, which must remain in my judgment, the plate-printer rubs his ink, which should be of a better quality than that used by the Government, upon a paper which should be of a better quality than that used by the Government, and rolls the ink upon it. He takes the rough mass of it off with a cloth, and then with the human hand (and there is no pad or cushion machine that will supply the place of the human hand) rubs off the surplus ink until he reaches just the right quantity, of which the machine can not judge after all in the fine lines that have been cut there.

When these notes run through the machine there is a hasty inking of the plate and a hasty rubbing of it off by some sort of machine pad or cloth which it is utterly impossible to adjust with the delicacy in either case that is necessary. The experienced plate-printer does this with great rapidity, and if he is a careful man he does it perfectly in every case. They try in this machine to get the human hand in for a single dab to smooth the plate and supply the deficiency of the machine, but they can not always do it, and can not do it to satisfaction when they do undertake it.

My information is a little different about these matters from that given by the Senator from New York. I understand that the best stamps and all the internal-revenue stamps are engraved in the highest style of art and printed in the highest style of art, that is to say, by hand; and with the exception of the 8-ounce tobacco and the 2-ounce and some of the 50-cent cigar stamps, which have been engraved on steam-presses, every internal-revenue stamp has the same character of engraving on it as the notes, and in many instances the designs are more excellent. I do not agree that it will answer to put imperfect work in any of that, because to do so is to invite the counterfeiter, and we have not been in the habit of putting in second-class work there.

It is very easy to do this work much more cheaply, if you want that, but every time you cheapen the process, cheapen the excellence of the engraving or the perfection of the printing, you open the door to the counterfeiter. That is simply all there is to be said about it, and the difference in expense is not so extraordinary.

All around the world there are people engaged in publishing prints and fine engravings who do not think for a moment of using a steam press or machine of any kind to do their work. I say no engraving on your walls is of that description. No fine engraving that you see in your books is of that description. This steam-print rough work bears the same relation to real art that the chromo does to the original pictures of Meissonnier or Raphael, and you can not get away from it.

I am not here to question whether there should be sixty men more or less employed by the Government. If the machine could do that work as well as the hand can do it, the art world would be revolutionized, to the great delight of every lover of fine work all over the world; but

it can not do it. Every man knows that there are some things where you can not dispense with the exquisite eye of the trained artist workman and the exquisite work of his trained hand, and this is one of them.

What have they given these gentlemen? In the first place, the Government buys the press for \$1,250. The claim is that it cost them \$1,400 to build it, but it professedly buys the press at a cost of \$1,250. Then it gives \$500 for the privilege of construction, as they call it, a bounty—a profit on the cost of the press of \$500; then the Government gives a dollar on every thousand impressions, whether it be big or little—every thousand perfect impressions—which makes on an average about \$900 a year for the use of a \$1,250 machine which the Government itself built or paid for having built, and for which it has already given a \$500 premium.

That is the way the case stands. I do not think that these accounts of the relative economy of the two presses taken into consideration can balance these extraordinary expenditures. I do not say whether they are unjust or not. That is a question for those who have made the bargain and for the patentee. The patentee can not sell it in every street, and of course if he does get any revenue he should get a considerable revenue. But it goes to the question of economy in the matter. I say we can have all our Government work done, as we always bragged it was done, in the highest style by employing sixty or seventy or eighty, I do not care if it is a hundred men more, at perhaps a cost of \$100,000 or \$150,000.

My friend from New York has referred to some observations made by various Treasury officers. I have quoted what the best-informed man in the Treasury Department, the head of the secret-service division, has to say. Here is a letter from my dear friend and constituent, Mr. Hyatt, Treasurer of the United States:

I am informed that the backs of the silver certificates of series of 1886, of the denominations of \$1, \$2, \$5, and \$10, and the backs of United States notes of the denominations of \$10 and \$20, have for some time been printed on presses, etc.

He goes on to say:

I am unable to discover anything in the engraving or printing of the genuine certificates which makes it easy to counterfeit them.

I have shown that whether it be by reason of steam-presses or hand-presses the new silver notes are many times over more easily counterfeited than the paper money issued a few years ago. That perhaps is independent of the question about steam-presses.

Mr. HISCOCK. I should like to have the Senator from Connecticut say when. He says he has shown that. I should like to have him state how he has shown it in results.

Mr. HAWLEY. I have not the statistics of the counterfeits that are made or of the arrests, but upon that point I did read from the man who knows more about it than any of us, the head of the secret service division.

Mr. HISCOCK. There have been three counterfeits, and it is a question of great doubt, of dispute, since these notes were printed upon steam-presses, whether one of them was printed upon a hand-press or whether it was printed upon a steam-press, and the experts differ upon that question.

Mr. HAWLEY. I have shown it so that if the Senator heard me he ought, as a candid man, to admit that it is more easy to counterfeit the work of the steam-presses.

Mr. HISCOCK. If the Senator will pardon me, I am willing to stand upon the declaration of his esteemed friend, Mr. Hyatt, which he has just read.

Mr. HAWLEY. Mr. Hyatt says he does not see, and I have shown how it can be seen.

Mr. HISCOCK. There is an expert, there is the Treasurer of the United States, the Senator's esteemed friend, and fortified by his opinion I expressed myself as I did. I regarded it as of much higher authority than my own opinion.

Mr. HAWLEY. I do not regard it as approaching the testimony of Mr. Bell, who has made the study of counterfeit bills and the study of counterfeiters his life business. Mr. Hyatt was not brought up as an engraver, or artist, or anything of the sort. He is capable of keeping the Treasury books in an honest and faithful way, without doubt, and is an excellent citizen, but he is neither a trained artist nor an expert in bank-note printing. Every man who is practicing photography or any of those kindred arts will tell you that as you multiply varying colors that can not be erased without destroying the substance of the paper you to a great extent continue to increase the protection against counterfeiting.

I did not think of talking so long, sir, but I have no sort of question in my own mind about what the Government had better do in the end. I do not want to do anything harsh with these people with whom it has contracted, for they are honorable citizens, but I believe we shall be led by and by to doing our work by hand, as we used to do it.

Mr. HARRIS. Mr. President, with the Senator from New York [Mr. Hiscock] I devoted many days to hearing the testimony upon both sides of this question, and after a patient hearing of all the testimony that was offered and a patient consideration of the question, I fully concur in every statement made by the Senator from New York in his speech of this morning.



In answer to some of the criticisms of the Senator from Connecticut [Mr. HAWLEY], I want to call his attention to facts that are proved beyond all question and to be found in the record. He says, and truthfully says, that the excellence of plate-printing largely depends upon polishing the plate, but he failed to say that for hand-polish there is more time given to the polishing of the plate with the hand in the steam-press run at its ordinary rate of speed than is given in working the hand-press run at its ordinary rate of speed.

He criticises and complains of the character of the paper and the ink. I beg to tell him that the proof shows that precisely the same paper and precisely the same ink are used in the Bureau of Engraving and Printing by the hand-presses and by the steam-presses, so that the ink and paper being precisely the same the criticism would fail as well upon the work of the one press as that of the other.

Mr. BLAIR. May I ask the Senator a question?

Mr. HARRIS. Oh, certainly you may.

Mr. BLAIR. Does not the Senator lose sight of the admitted fact that nothing at all is done where the exquisite work is required, that is upon the face of the bill, by the steam printing-press, and that the hand-work just spoken of by the Senator from Connecticut is most of it expended upon the face of the bill and not upon the back?

Mr. HARRIS. I beg to assure the Senator from New Hampshire that I do not omit to remember anything that appears in the record, and the Senator from New Hampshire need not trouble himself to remind me of what does appear, for I remember it and know it quite as well as he does.

Mr. BLAIR. The Senator will pardon me for saying that if he did not fail to remember it he certainly omitted to state it.

Mr. HARRIS. I will state the case as I understand it; in my own way, and without the aid of the Senator from New Hampshire.

Mr. BLAIR. The Senator will not state it without response, however.

Mr. HARRIS. Another question raised by the Senator from Connecticut is, that owing to the pressure of the steam-press the paper is probably injured. The proof conclusively shows that the printer controls the amount of the pressure of the steam-press just as he controls the amount of pressure applied with the hand-press. It is under the control of the printer with both presses, and he gives just the amount of pressure that he deems necessary.

But I do not care to prolong this debate. I desire, however, to give one fact that I deem it quite material that the Senate should understand, which the Senator from New York failed to give.

As to the excellence of the printing by these two methods, there were the backs of a large number of bills printed both by hand and by steam presses exhibited to the experts introduced by the promoters of this House provision, by those who clamor for doing all of this work by hand, and the experts produced on the other side. A large number of bills were taken indiscriminately from the work of the two presses. They were exhibited to the experts with that part of the bill turned down which would indicate what press it was printed upon, and the experts were asked to pick out the best specimens of the art and the worst specimens of the art. In the ratio of three out of four they picked out the steam-press print as the best, and they picked out the hand-press print as the worst. The experts on both sides of this question in a large majority of instances selected the steam-press prints as the better specimen of the art and the hand-press prints as the worst specimen of the art. Does that aid the Senator from New Hampshire in reaching a conclusion as to which method we should adopt or continue?

Nobody has complained that I have ever heard of in respect of this work except about eight or ten hundred plate-printers in the United States. According to the testimony before the committee there are not more than a thousand plate-printers, perhaps not that number, in the United States. They clamor for the abolition of the steam-press; they clamor for a monopoly of all the engraving done by the Government and by private parties as well; and they have brought to their aid labor organizations that clamor also. But as was stated by the Senator from New York, the various Secretaries of the Treasury since the steam-press has been in use, the Treasurer, and every expert whose duty it is to look to and execute this work, have all from their investigation reported in favor of the use of the steam-press upon the backs of these bills and the various other securities and internal-revenue stamps and postage-stamps that the Government needs.

I undertake to say in the light of the testimony, about which I have not the shadow of doubt, that the average work turned out by the steam-press is not only equal to but its average is superior to the average work turned out by the hand-press of the same character; and it clearly appears that it is done at a cost of one-half or less than one-half of what the work done by hand would cost the Government.

In view of these facts the Senator from New York and myself and the other members of the Committee on Finance unanimously agreed that the steam-press ought to be continued in use doing the work that it has been put to, and that perhaps its work should be extended to other things than those to which it has been given heretofore.

Mr. HAWLEY. Mr. President, just a single word. The Senator from Tennessee, in his usually acceptable and emphatic way, says that some of the printers mistook in trying to distinguish the hand-press

from the steam-press back of the bills. If that is so, I ask him why not print the face of the bill as well by machinery, by the steam-press? He says the committee of the Treasury Department reported in favor of the steam-press. Why not then print the face by the steam-press? He believes the average of work by the steam-press is better than the hand-press work; and yet nobody in the Treasury Department, nor he, nor the Senator from New York, proposes to print the fine work of the face from the steam-press.

Mr. HISCOCK. Now, that certainly is not ingenuous on the part of the Senator.

Mr. HAWLEY. I think it is perfectly so.

Mr. HISCOCK. It certainly is not. It has been explained to him thoroughly that when you take the combination of the plates upon the faces and all that, it is conceded that for those combinations the steam-presses have not yet been improved up to the point of printing those, but that for the combination of colors, figures, etc., which are employed upon the back, up to that point they have gone; and the Senator certainly understands the distinction.

Mr. HAWLEY. The combination of colors is common, and that may be done with either press.

Mr. HISCOCK. The combination of figures and all the different combinations the one press has not gone up to the point of doing.

Mr. HAWLEY. The hand-press does not pretend to print a combination of colors at one time by one impression. The words are hardly out of the mouth of the Senator from Tennessee where he said the average of the work by the steam-press was better than the average by hand.

Mr. HISCOCK. The testimony all concurs that as to the work which is done by the steam-presses, to which they are adapted, bear in mind, and which they do, it is of a higher average character than the other. There is not any dispute about it, practically, so far as you can judge by the testimony of experts. As I said, and as the Senator from Tennessee has stated, take the engraver who was introduced and who went into a long argument as to why they could be more easily counterfeited when printed by steam-presses, the moment the work is presented to him he picks out as the higher work, the best work, three to one the products of the steam-presses.

Mr. HAWLEY. But this work, which the Senator says they are even better adapted to, he treats at the same time as if it were an inferior kind of work. It is not the finer work.

Mr. HISCOCK. The Senator should not say that as to the character of the work. It is not inferior. The engraving is perfect; but it is a different class of work, and he certainly understands the distinction which we make.

Mr. HAWLEY. Yes, I do understand it exactly. The Senator does not if he is going to be decided about this. He does not understand it. I can be just as decided as he can. The back of that plate is done in the most exquisite style of art. There is nothing that surpasses it on the face or anywhere else, unless it be the finer touches in the face of some vignette of a beautiful woman. There the artist naturally lingers a little longer, in order that he may make the work perfect. But the exquisite work of the artist on the back of those bills is not surpassed by any printing in the world.

Mr. HISCOCK. To that I agree.

Mr. HAWLEY. That is the plate of his work. Now, that ought to be put upon the paper just as well as the fine work on the face. What the Senator's statement really amounts to is that it is done well enough on the back. I do not admit that.

Mr. BLAIR obtained the floor.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 185) to provide for the admission of the State of South Dakota into the Union, and for the organization of the Territory of North Dakota.

#### ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (H. R. 8557) for the relief of Dr. David Bell; and it was thereupon signed by the President *pro tempore*.

#### ADMISSION OF SOUTH DAKOTA, ETC.

Mr. PLATT. I desire to present a conference report upon the bill for the admission of South Dakota.

The PRESIDENT *pro tempore*. The report will be read.

The Secretary proceeded to read the report.

Mr. PLATT. I desire to inquire whether it would be in order to move to dispense with the reading of the amendment as agreed to by the conferees?

The PRESIDENT *pro tempore*. The Chair supposes that that could be done by unanimous consent only.

Mr. HAWLEY. How long is it?

Mr. PLATT. It is quite a long amendment of twenty-four or twenty-five sections. In fact it is a perfect bill in itself. If the reading can be dispensed with I will make a statement as to the provisions of the bill as agreed upon by the conferees.



Mr. EDMUNDS. We can not dispense with the reading of the report, Mr. President.

Mr. MORGAN. I insist on the reading of the bill. Does the Senator from Vermont insist upon it?

Mr. EDMUNDS. I think it ought to be read.

Mr. MORGAN. It ought to be read.

Mr. EDMUNDS. We ought not to pass any bill without reading it. The PRESIDENT *pro tempore*. The reading of the conference report will proceed.

The Secretary resumed and concluded the reading of the report, which is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House of Representatives to the bill (S. 185) to provide for the admission of the State of South Dakota into the Union and for the organization of the Territory of North Dakota, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House of Representatives to said bill, and agree to the same with an amendment, namely: Strike out the said amendment and in lieu thereof insert the following:

"SECTION 1. That the inhabitants of all that part of the area of the United States now constituting the Territories of Dakota, Montana, and Washington, as at present described, may become the States of North Dakota, South Dakota, Montana, and Washington, respectively, as hereinafter provided.

"SEC. 2. The area comprising the Territory of Dakota shall, for the purposes of this act, be divided on the line of the seventh standard parallel produced due west to the western boundary of said Territory; and the delegates elected as hereinafter provided to the constitutional convention in districts north of said parallel shall assemble in convention, at the time prescribed in this act, at the city of Bismarck; and the delegates elected in districts south of said parallel shall, at the same time, assemble in convention at the city of Sioux Falls.

"SEC. 3. That all persons who are qualified by the laws of said Territories to vote for representatives to the Legislative Assemblies thereof, are hereby authorized to vote for and choose delegates to form conventions in said proposed States; and the qualifications for delegates to such conventions shall be such as by the laws of said Territories, respectively, persons are required to possess to be eligible to the Legislative Assemblies thereof; and the aforesaid delegates to form said conventions shall be apportioned within the limits of the proposed States, in such districts as may be established as herein provided, in proportion to the population in each of said counties and districts, as near as may be, to be ascertained at the time of making said apportionments by the persons hereinafter authorized to make the same, from the best information obtainable, in each of which districts three delegates shall be elected, but no elector shall vote for more than two persons for delegates to such conventions; that said apportionments shall be made by the governor, the chief justice, and the secretary of said Territories; and the governors of said Territories shall, by proclamation, order an election of the delegates aforesaid in each of said proposed States, to be held on the Tuesday after the second Monday in May, 1889, which proclamation shall be issued on the 15th day of April, 1889; and such election shall be conducted, the returns made, the result ascertained, and the certificates to persons elected to such convention issued in the same manner as is prescribed by the laws of the said Territories regulating elections therein for Delegates to Congress; and the number of votes cast for delegates in each precinct shall also be returned. The number of delegates to said conventions, respectively, shall be seventy-five; and all persons resident in said proposed States, who are qualified voters of said Territories as herein provided, shall be entitled to vote upon the election of delegates, and under such rules and regulations as said conventions may prescribe, not in conflict with this act, upon the ratification or rejection of the constitutions.

"SEC. 4. That the delegates to the conventions elected as provided in this act shall meet at the seat of government of each of said Territories, except the delegates elected in South Dakota, who shall meet at the city of Sioux Falls, on the 4th day of July, 1889, and, after organization, shall declare, on behalf of the people of said proposed States, that they adopt the Constitution of the United States; whereupon the said conventions shall be, and are hereby, authorized to form constitutions and State governments for said proposed States, respectively. The constitutions shall be Republican in form, and make no distinction in civil or political rights on account of race or color, except as to Indians not taxed, and not be repugnant to the Constitution of the United States and the principles of the Declaration of Independence. And said conventions shall provide, by ordinances irrevocable without the consent of the United States and the people of said States:

"First. That perfect toleration of religious sentiment shall be secured, and that no inhabitant of said States shall ever be molested in person or property on account of his or her mode of religious worship.

"Second. That the people inhabiting said proposed States do agree and declare that they forever disclaim all right and title to the unappropriated public lands lying within the boundaries thereof, and to all lands lying within said limits owned or held by any Indian or Indian tribes; and that until the title thereto shall have been extinguished by the United States, the same shall be and remain subject to the disposition of the United States, and said Indian lands shall remain under the absolute jurisdiction and control of the Congress of the United States; that the lands belonging to citizens of the United States residing without the said States shall never be taxed at a higher rate than the lands belonging to residents thereof; that no taxes shall be imposed by the States on lands or property therein belonging to or which may hereafter be purchased by the United States or reserved for its use. But nothing herein, or in the ordinances herein provided for, shall preclude the said States from taxing as other lands are taxed any lands owned or held by any Indian who has severed his tribal relations, and has obtained from the United States or from any person a title thereto by patent or other grant, save and except such lands as have been or may be granted to any Indian or Indians under any act of Congress containing a provision exempting the lands thus granted from taxation; but said ordinances shall provide that all such lands shall be exempt from taxation by said States so long and to such extent as such act of Congress may prescribe.

"Third. That the debts and liabilities of said Territories shall be assumed and paid by said States, respectively.

"Fourth. That provision shall be made for the establishment and maintenance of systems of public schools, which shall be open to all the children of said States, and free from sectarian control.

"SEC. 5. That the convention which shall assemble at Bismarck shall form a constitution and State government for a State to be known as North Dakota, and the convention which shall assemble at Sioux Falls shall form a constitution and State government for a State to be known as South Dakota: *Provided*, That at the election for delegates to the constitutional convention in South Dakota, as hereinbefore provided, each elector may have written or printed on his ballot the words 'For the Sioux Falls constitution,' or the words 'Against the Sioux Falls constitution,' and the votes on this question shall be returned and canvassed in the same manner as for the election provided for in section 3 of this act; and if a majority of all votes cast on this question shall be 'For the Sioux Falls constitution,' it shall be the duty of the convention which may as-

semble at Sioux Falls, as herein provided, to resubmit to the people of South Dakota, for ratification or rejection at the election hereinafter provided for in this act, the constitution framed at Sioux Falls and adopted November 3, 1885, and also the articles and propositions separately submitted at that election, including the question of locating the temporary seat of government, with such changes only as relate to the name and boundary of the proposed State, to the reapportionment of the judicial and legislative districts, and such amendments as may be necessary in order to comply with the provisions of this act; and if a majority of the votes cast on the ratification or rejection of the constitution shall be for the constitution irrespective of the articles separately submitted, the State of South Dakota shall be admitted as a State in the Union under said constitution as hereinafter provided; but the archives, records, and books of the Territory of Dakota shall remain at Bismarck, the capital of North Dakota, until an agreement in reference thereto is reached by said States. But if at the election for delegates to the constitutional convention in South Dakota a majority of all the votes cast at that election shall be 'Against the Sioux Falls constitution,' then and in that event it shall be the duty of the convention which will assemble at the city of Sioux Falls on the 4th day of July, 1889, to proceed to form a constitution and State government as provided in this act the same as if that question had not been submitted to a vote of the people of South Dakota.

"SEC. 6. It shall be the duty of the constitutional conventions of North Dakota and South Dakota to appoint a joint commission, to be composed of not less than three members of each convention, whose duty it shall be to assemble at Bismarck, the present seat of government of said Territory, and agree upon an equitable division of all property belonging to the Territory of Dakota, the disposition of all public records, and also adjust and agree upon the amount of the debts and liabilities of the Territory, which shall be assumed and paid by each of the proposed States of North Dakota and South Dakota; and the agreement reached respecting the Territorial debts and liabilities shall be incorporated in the respective constitutions, and each of said States shall obligate itself to pay its proportion of such debts and liabilities the same as if they had been created by such States respectively.

"SEC. 7. If the constitutions formed for both North Dakota and South Dakota shall be rejected by the people at the elections for the ratification or rejection of their respective constitutions as provided for in this act, the Territorial government of Dakota shall continue in existence the same as if this act had not been passed. But if the constitution formed for either North Dakota or South Dakota shall be rejected by the people, that part of the Territory so rejecting its proposed constitution shall continue under the Territorial government of the present Territory of Dakota, but shall, after the State adopting its constitution is admitted into the Union, be called by the name of the Territory of North Dakota or South Dakota, as the case may be: *Provided*, That if either of the proposed States provided for in this act shall reject the constitution which may be submitted for ratification or rejection at the election provided therefor, the governor of the Territory in which such proposed constitution was rejected shall issue his proclamation reconvening the delegates elected to the convention, which formed such rejected constitution, fixing the time and place at which said delegates shall assemble; and when so assembled they shall proceed to form another constitution or to amend the rejected constitution, and shall submit such new constitution or amended constitution to the people of the proposed State for ratification or rejection, at such time as said convention may determine; and all the provisions of this act, so far as applicable, shall apply to such convention so reassembled and to the constitution which may be formed, its ratification or rejection, and to the admission of the proposed State.

"SEC. 8. That the constitutional convention which may assemble in South Dakota shall provide by ordinance for resubmitting the Sioux Falls constitution of 1885, after having amended the same as provided in section 5 of this act, to the people of South Dakota for ratification or rejection at an election to be held therein on the first Tuesday in October, 1889; but if said constitutional convention is authorized and required to form a new constitution for South Dakota it shall provide for submitting the same in like manner to the people of South Dakota for ratification or rejection at an election to be held in said proposed State on the said first Tuesday in October. And the constitutional conventions which may assemble in North Dakota, Montana, and Washington shall provide in like manner for submitting the constitutions formed by them to the people of said proposed States, respectively, for ratification or rejection at elections to be held in said proposed States on the said first Tuesday in October. At the elections provided for in this section the qualified voters of said proposed States shall vote directly for or against the proposed constitutions, and for or against any articles or propositions separately submitted. The returns of said elections shall be made to the secretary of each of said Territories, who, with the governor and chief justice thereof, or any two of them, shall canvass the same; and if a majority of the legal votes cast shall be for the constitution the governor shall certify the result to the President of the United States, together with a statement of the votes cast thereon and upon separate articles or propositions and a copy of said constitution, articles, propositions, and ordinances. And if the constitutions and governments of said proposed States are republican in form, and if all the provisions of this act have been complied with in the formation thereof, it shall be the duty of the President of the United States to issue his proclamation announcing the result of the election in each, and thereupon the proposed States which have adopted constitutions and formed State governments as herein provided shall be deemed admitted by Congress into the Union under and by virtue of this act on an equal footing with the original States from and after the date of said proclamation.

"SEC. 9. That until the next general census, or until otherwise provided by law, said States shall be entitled to one Representative in the House of Representatives of the United States, except South Dakota, which shall be entitled to two; and the Representatives to the Fifty-first Congress, together with the governors and other officers provided for in said constitutions, may be elected on the same day of the election for the ratification or rejection of the constitutions; and until said State officers are elected and qualified under the provisions of each constitution and the States, respectively, are admitted into the Union, the Territorial officers shall continue to discharge the duties of their respective offices in each of said Territories.

"SEC. 10. That upon the admission of each of said States into the Union sections numbered 16 and 36 in every township of said proposed States, and where such sections, or any parts thereof, have been sold or otherwise disposed of by or under the authority of any act of Congress, other lands equivalent thereto, in legal subdivisions of not less than one quarter-section, and as contiguous as may be to the section in lieu of which the same is taken, are hereby granted to said States for the support of common schools, such indemnity lands to be selected within said States in such manner as the Legislature may provide, with the approval of the Secretary of the Interior: *Provided*, That the sixteenth and thirty-sixth sections embraced in permanent reservations for national purposes shall not, at any time, be subject to the grants nor to the indemnity provisions of this act, nor shall any lands embraced in Indian, military, or other reservations of any character be subject to the grants or to the indemnity provisions of this act until the reservation shall have been extinguished and such lands be restored to, and become a part of, the public domain.

"SEC. 11. That all lands herein granted for educational purposes shall be disposed of only at public sale, and at a price not less than \$10 per acre, the proceeds to constitute a permanent school fund, the interest of which only shall be expended in the support of said schools. But said lands may, under such regulations as the Legislatures shall prescribe, be leased for periods of not more than



five years, in quantities not exceeding 1 section to any one person or company; and such land shall not be subject to pre-emption, homestead entry, or any other entry under the land laws of the United States, whether surveyed or unsurveyed, but shall be reserved for school purposes only.

"Sec. 12. That upon the admission of each of said States into the Union, in accordance with the provisions of this act, fifty sections of the unappropriated public lands within said States, to be selected and located in legal subdivisions, as provided in section 10 of this act, shall be, and are hereby, granted to said States for the purpose of erecting public buildings at the capital of said States for legislative, executive, and judicial purposes.

"Sec. 13. That 5 per cent. of the proceeds of the sales of public lands lying within said States which shall be sold by the United States subsequent to the admission of said States into the Union, after deducting all the expenses incident to the same, shall be paid to the said States, to be used as a permanent fund, the interest of which only shall be expended for the support of the common schools within said States, respectively.

"Sec. 14. That the lands granted to the Territories of Dakota and Montana by the act of February 18, 1881, entitled 'An act to grant lands to Dakota, Montana, Arizona, Idaho, and Wyoming for university purposes,' are hereby vested in the States of South Dakota, North Dakota, and Montana, respectively, if such States are admitted into the Union, as provided in this act, to the extent of the full quantity of seventy-two sections to each of said States, and any portion of said lands that may not have been selected by either of said Territories of Dakota or Montana may be selected by the respective States aforesaid; but said act of February 18, 1881, shall be so amended as to provide that none of said lands shall be sold for less than \$10 per acre, and the proceeds shall constitute a permanent fund to be safely invested and held by said States severally, and the income thereof to be used exclusively for university purposes. And such quantity of the lands authorized by the fourth section of the act of July 17, 1854, to be reserved for university purposes in the Territory of Washington, as together with the lands confirmed to the vendees of the Territory by the act of March 14, 1864, will make the full quantity of seventy-two entire sections, are hereby granted in like manner to the State of Washington for the purposes of a university in said State. None of the lands granted in this section shall be sold at less than \$10 per acre; but said lands may be leased in the same manner as provided in section 11 of this act. The schools, colleges, and universities provided for in this act shall forever remain under the exclusive control of the said States, respectively, and no part of the proceeds arising from the sale or disposal of any lands herein granted for educational purposes shall be used for the support of any sectarian or denominational school, college, or university. The section of land granted by the act of June 16, 1880, to the Territory of Dakota, for an asylum for the insane shall, upon the admission of said State of South Dakota into the Union, become the property of said State.

"Sec. 15. That so much of the lands belonging to the United States as have been acquired and set apart for the purpose mentioned in 'An act appropriating money for the erection of a penitentiary in the Territory of Dakota,' approved March 2, 1881, together with the buildings thereon, be, and the same is hereby, granted, together with any unexpended balances of the moneys appropriated therefor by said act, to said State of South Dakota, for the purposes therein designated; and the States of North Dakota and Washington shall, respectively, have like grants for the same purpose, and subject to like terms and conditions as provided in said act of March 2, 1881, for the Territory of Dakota. The penitentiary at Deer Lodge City, Mont., and all lands connected therewith and set apart and reserved therefor, are hereby granted to the State of Montana.

"Sec. 16. That 90,000 acres of land, to be selected and located as provided in section 10 of this act, are hereby granted to each of said States, except to the State of South Dakota, to which 120,000 acres are granted, for the use and support of agricultural colleges in said States, as provided in the acts of Congress making donations of lands for such purpose.

"Sec. 17. That in lieu of the grant of land for purposes of internal improvement made to new States by the eighth section of the act of September 4, 1841, which act is hereby repealed as to the States provided for by this act, and in lieu of any claim or demand by the said States, or either of them, under the act of September 28, 1850, and section 2479 of the Revised Statutes, making a grant of swamp and overflowed lands to certain States, which grant it is hereby declared is not extended to the States provided for in this act, and in lieu of any grant of saline lands to said States the following grants of land are hereby made, to wit:

"To the State of South Dakota: For the school of mines, 40,000 acres; for the reform school, 40,000 acres; for the deaf and dumb asylum, 40,000 acres; for the agricultural college, 40,000 acres; for the university, 40,000 acres; for State normal schools, 80,000 acres; for public buildings at the capital of said State, 50,000 acres; and for such other educational and charitable purposes as the Legislature of said State may determine, 170,000 acres; in all, 500,000 acres.

"To the State of North Dakota a like quantity of land as is in this section granted to the State of South Dakota, and to be for like purposes, and in like proportion as far as practicable.

"To the State of Montana: For the establishment and maintenance of a school of mines, 100,000 acres; for State normal schools, 100,000 acres; for agricultural colleges, in addition to the grant hereinbefore made for that purpose, 50,000 acres; for the establishment of a State reform school, 50,000 acres; for the establishment of a deaf and dumb asylum, 50,000 acres; for public buildings at the capital of the State, in addition to the grant hereinbefore made for that purpose, 150,000 acres.

"To the State of Washington: For the establishment and maintenance of a scientific school, 100,000 acres; for State normal schools, 100,000 acres; for public buildings at the State capital, in addition to the grant hereinbefore made for that purpose, 100,000 acres; for State charitable, educational, penal, and reformatory institutions, 200,000 acres.

"That the States provided for in this act shall not be entitled to any further or other grants of land for any purpose than as expressly provided in this act. And the lands granted by this section shall be held, appropriated, and disposed of exclusively for the purposes herein mentioned, in such manner as the Legislatures of the respective States may severally provide.

"Sec. 18. That all mineral lands shall be exempted from the grants made by this act. But if sections 16 and 36, or any subdivision or portion of any smallest subdivision thereof, in any township shall be found by the Department of the Interior to be mineral lands, said States are hereby authorized and empowered to select, in legal subdivisions, an equal quantity of other unappropriated lands in said States, in lieu thereof, for the use and the benefit of the common schools of said States.

"Sec. 19. That all lands granted in quantity or as indemnity by this act shall be selected, under the direction of the Secretary of the Interior, from the surveyed, unreserved, and unappropriated public lands of the United States within the limits of the respective States entitled thereto. And there shall be deducted from the number of acres of land donated by this act for specific objects to such States the number of acres in each heretofore donated by Congress to said Territories for similar objects.

"Sec. 20. That the sum of \$20,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to each of said Territories for defraying the expenses of the said conventions, except to Dakota, for which the sum of \$40,000 is so appropriated, \$20,000 each for South Dakota and North Dakota, and for the payment of the members thereof, under the same rules and regulations and at the same rates as are

now provided by law for the payment of the Territorial Legislatures. Any money hereby appropriated not necessary for such purpose shall be covered into the Treasury of the United States.

"Sec. 21. That each of said States, when admitted as aforesaid, shall constitute one judicial district, the names thereof to be the same as the names of the States, respectively; and the circuit and district courts thereof shall be held at the capital of such State for the time being, and each of said districts shall, for judicial purposes, until otherwise provided, be attached to the eighth judicial circuit, except Washington and Montana, which shall be attached to the ninth judicial circuit. There shall be appointed for each of said districts one district judge, one United States attorney, and one United States marshal. The judge of each of said districts shall receive a yearly salary of \$3,500, payable in four equal installments, on the 1st days of January, April, July, and October of each year, and shall reside in the district. There shall be appointed clerks of said courts in each district, who shall keep their offices at the capital of said State. The regular terms of said courts shall be held in each district, at the place aforesaid, on the first Monday in April and the first Monday in November of each year, and only one grand jury and one petit jury shall be summoned in both said circuit and district courts. The circuit and district courts for each of said districts, and the judges thereof, respectively, shall possess the same powers and jurisdiction, and perform the same duties required to be performed by the other circuit and district courts and judges of the United States, and shall be governed by the same laws and regulations. The marshal, district attorney, and clerks of the circuit and district courts of each of said districts, and all other officers and persons performing duties in the administration of justice therein, shall severally possess the powers and perform the duties lawfully possessed and required to be performed by similar officers in other districts of the United States; and shall, for the services they may perform, receive the fees and compensation allowed by law to other similar officers and persons performing similar duties in the State of Nebraska.

"Sec. 22. That all cases of appeal or writ of error heretofore prosecuted and now pending in the Supreme Court of the United States upon any record from the supreme court of either of the Territories mentioned in this act, or that may hereafter lawfully be prosecuted upon any record from either of said courts, may be heard and determined by said Supreme Court of the United States. And the mandate of execution or of further proceedings shall be directed by the Supreme Court of the United States to the circuit or district court hereby established within the State succeeding the Territory from which such record is or may be pending, or to the supreme court of such State, as the nature of the case may require: *Provided*, That the mandate of execution or of further proceedings shall, in cases arising in the Territory of Dakota, be directed by the Supreme Court of the United States to the circuit or district court of the district of South Dakota, or to the supreme court of the State of South Dakota, or to the circuit or district court of the district of North Dakota, or to the supreme court of the State of North Dakota, or to the supreme court of the Territory of North Dakota, as the nature of the case may require. And each of the circuit, district, and State courts herein named shall, respectively, be the successor of the supreme court of the Territory as to all such cases arising within the limits embraced within the jurisdiction of such courts, respectively, with full power to proceed with the same, and award mesne or final process therein; and that from all judgments and decrees of the supreme court of either of the Territories mentioned in this act, in any case arising within the limits of any of the proposed States prior to admission, the parties to such judgment shall have the same right to prosecute appeals and writs of error to the Supreme Court of the United States as they shall have had by law prior to the admission of said State into the Union.

"Sec. 23. That in respect to all cases, proceedings, and matters now pending in the supreme or district courts of either of the Territories mentioned in this act at the time of the admission into the Union of either of the States mentioned in this act, and arising within the limits of any such State, whereof the circuit or district courts by this act established might have had jurisdiction under the laws of the United States had such courts existed at the time of the commencement of such cases, the said circuit and district courts, respectively, shall be the successors of said supreme and district courts of said Territory; and in respect to all other cases, proceedings, and matters pending in the supreme or district courts of any of the Territories mentioned in this act at the time of the admission of such Territory into the Union, arising within the limits of said proposed State, the courts established by such State shall, respectively, be the successors of said supreme and district Territorial courts; and all the files, records, indictments, and proceedings relating to any such cases shall be transferred to such circuit, district, and State courts, respectively, and the same shall be proceeded with therein in due course of law; but no writ, action, indictment, cause, or proceeding now pending, or that prior to the admission of any of the States mentioned in this act shall be pending, in any Territorial court in any of the Territories mentioned in this act, shall abate by the admission of any such State into the Union, but the same shall be transferred and proceeded with in the proper United States circuit, district, or State court, as the case may be: *Provided, however*, That in all civil actions, causes, and proceedings, in which the United States is not a party, transfers shall not be made to the circuit and district courts of the United States except upon written request of one of the parties of such action or proceeding filed in the proper court; and in the absence of such request such cases shall be proceeded with in the proper State courts.

"Sec. 24. That the constitutional convention may, by ordinance, provide for the election of officers for full State governments, including members of the Legislatures and Representatives in the Fifty-first Congress; but said State governments shall remain in abeyance until the States shall be admitted into the Union, respectively, as provided in this act. In case the constitution of any of said proposed States shall be ratified by the people, but not otherwise, the Legislature thereof may assemble, organize, and elect two Senators of the United States; and the governor and secretary of state of such proposed State shall certify the election of the Senators and Representatives in the manner required by law; and when such State is admitted into the Union, the Senators and Representatives shall be entitled to be admitted to seats in Congress, and to all the rights and privileges of Senators and Representatives of other States in the Congress of the United States; and the officers of the State governments formed in pursuance of said constitutions, as provided by the constitutional conventions, shall proceed to exercise all the functions of such State officers; and all laws in force made by said Territories at the time of their admission into the Union shall be in force in said States, except as modified or changed by this act or by the constitutions of the States, respectively.

"Sec. 25. That all acts or parts of acts in conflict with the provisions of this act, whether passed by the Legislatures of said Territories or by Congress, are hereby repealed."

And that the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House to the title of said bill, and agrees to the same so amended as to read as follows:

"An act to provide for the division of Dakota into two States and to enable the people of North Dakota, South Dakota, Montana, and Washington to form constitutions and State governments and to be admitted into the Union on an equal footing with the original States, and to make donations of public lands to such States."

And that the House agree to the same.



That the Senate recede from its disagreement to the amendment of the House striking out the preamble of said bill, and agree to the same.

O. H. PLATT,  
S. M. CULLOM,  
M. C. BUTLER,  
Managers on the part of the Senate.  
WILLIAM M. SPRINGER,  
CHAS. S. BAKER,  
Managers on the part of the House.

Mr. PLATT. I move that the Senate concur in the report of the committee of conference.

The PRESIDENT *pro tempore*. If there be no objection to the present consideration of the report, the question is on concurring in it.

Mr. DAWES. I desire, before the vote is taken, to make an inquiry of the Senator from Connecticut as to the scope of a single paragraph in the bill, which I will read, on the fourth page:

But nothing herein, or in the ordinances herein provided for, shall preclude the said States from taxing as other lands are taxed any lands owned or held by any Indian who has severed his tribal relations, and has obtained from the United States or from any person a title thereto by patent or other grant, save and except such lands as have been or may be granted to any Indian or Indians under any act of Congress containing a provision exempting the lands thus granted from taxation.

The inquiry I desire to make is whether it would be possible under that paragraph to tax the lands held by Indians in severalty. I will read to the Senator the title by which an Indian holds under the severalty act his land. Section 5 of the act approved February 8, 1887, provides—

That upon the approval of the allotments provided for in this act by the Secretary of the Interior, he shall cause patents to issue therefor in the name of the allottees, which patents shall be of the legal effect, and declare that the United States does and will hold the land thus allotted, for the period of twenty-five years, in trust for the sole use and benefit of the Indian to whom such allotment shall have been made, or, in case of his decease, of his heirs according to the laws of the State or Territory where such land is located, and that at the expiration of said period the United States will convey the same by patent to said Indian, or his heirs as aforesaid, in fee, discharged of said trust and free of all charge or incumbrance whatsoever.

I desire to add that this statute does not expressly exempt the land from taxation, but goes upon the theory that the fee to the land is in the United States, and that therefore from that fact it can not be taxed. But the language of this bill is, that any land owned or held by any Indian who has severed his tribal relation and has a patent may be taxed. These Indians had severed their tribal relation, and in one sense hold the lands. They have the use of them; they have a patent from the United States; but the patent declares that the United States will hold the land, and at the end of twenty-five years convey it in fee.

My inquiry of the Senator is whether it was the intention of the conferees, or whether in his opinion it would be possible under this language, for the States to tax this land held in severalty?

Mr. PLATT. It was not the intention of the conferees that the States should be permitted to tax the lands held in severalty by the Indians during the time the United States agrees to hold said lands in trust for their benefit, nor do I believe that any such construction of the proposed act could be had as to give it that effect.

The severalty act does use the word "patent." It says the United States shall give a patent to the Indians, but it speaks of a final patent in fee to be given at the end of twenty-five years, and it declares that the United States shall hold those lands for the Indians in trust. This language is, "that nothing herein, etc., shall preclude the States from taxing as other lands are taxed any lands owned or held by any Indian who has severed his tribal relations and has obtained from the United States or from any person a title thereto by patent or other grant." The severalty act provides, as I understand it, that the United States shall hold the land and the title to the land. So unless the Indian holds the lands and has a patent which gives him title to the lands there is nothing here which would authorize their taxation.

I will say one thing more about it. This was not entirely according to the ideas of the Senate conferees, but we have had a good deal of disagreement, as is usual in such cases, and a pretty serious disagreement. This section comes from the other House, and the managers at the conference on the part of the Senate felt as if it were better to take it than to stand out against the House conferees.

Mr. DAWES. I agree with the Senator in the proper construction to be put upon this language, and I desired to have upon the record the opinion of the conferees, lest some one might say that lands owned or held by any such Indian might apply to an Indian who occupied the land and held it in that sense, although the legal holding is in the United States under the severalty act. I have no desire to add anything further after the expression of opinion by the Senator from Connecticut.

Mr. HOAR. Mr. President, it is well known to the Senate that in the Territory of Washington, by the law of that Territory, women having the same qualifications as male voters and citizens and office-holders were eligible to all the political functions of the State as voters, jurors, legislators, and as the holders of executive office. That policy had been, according to the testimony of many prominent citizens of that Territory, eminently successful. The late chief-justice of the Territory, one of the ablest men on the Pacific coast, a fine lawyer and magistrate, had in a most considerate and careful communication, made to the public about two years ago, given his emphatic testimony as to the satisfac-

tion which all classes of persons felt in that condition of things there under this policy.

When the Democratic administration came in President Cleveland proceeded to replace the Republican judges with judges of his own political faith, in some cases, I think in all cases but one, removing the incumbent, and in one case allowing the incumbent to serve out his term, when he was replaced with a Democratic successor, in accordance with the policy which this Administration has followed and in accordance with the policy which, I think, all its predecessors had followed, of having judges of their own political faith in the Territories.

The court so constituted made a most remarkable decision, and to the amazement of the people of that Territory held that the Territorial law which established the right of women to vote and to hold office was in violation of the organic act under which the Territory was organized. I believe the ground was that while the organic law permitted the Territorial Legislature to decide what persons should vote women were not persons in the legislative sense.

Mr. MITCHELL. That they were not citizens.

Mr. HOAR. That they were not citizens.

Mr. MITCHELL. The organic act provided that the Territorial Legislature might provide what persons should exercise the right of suffrage, but provided that they should be citizens, and the court held that that term did not include women.

Mr. HOAR. That is substantially the same. It was a mere device.

Mr. PLATT. Upon that point I might say the court held that the meaning of the word "citizens" was limited by the words "white male inhabitants," which appeared in the beginning of the section.

Mr. HOAR. I do not desire at this time to utter any words of condemnation of that decision. It is a very rare case indeed when criticism in political bodies of judicial decisions is either wise or justifiable. I prefer to treat that decision as having been the honest opinion of able and competent magistrates, and I will say nothing which is inconsistent with that view. Indeed I ought to say that I have not given the subject study enough to warrant me even in coming to any conclusion in my own mind which is inconsistent with that view. But all I have to say is that the decision, whether right or wrong, was a surprise to the people of the Territory, who without any considerable remonstrance had pursued quietly and successfully this policy for several years.

It seemed fair and just that in submitting to the people of Washington Territory the question whether the constitution which shall now be framed shall be adopted, and in the election of delegates to frame that constitution persons who have previously enjoyed the right of suffrage should be entitled to vote, and that persons who had previously been eligible to office should be eligible as members and officers of that constitutional convention. I had proposed whenever a bill for the organization of Washington Territory came up this winter in the Senate to move an amendment to that effect. I felt and now feel quite confident that if that question came up a majority of this body, whether themselves favoring the policy which permits women to vote or not, would certainly favor the policy of allowing the people of a Territory to determine for themselves the qualification of voters in that matter.

But the question has never presented itself to the Senate in a way which made that motion practicable. Indeed, I do not think there ever has been a time when it would have been in order strictly, unless on the mere question of non-concurrence, which was adopted here without any debate or discussion. I did not undertake to interfere with that proceeding and precipitate a debate on this subject, which might have resulted in the defeat of this measure altogether and in keeping out these several States for an indefinite period. I, therefore, did all that could be done under the circumstances that I could think of. I obtained the signatures of twenty-two Senators to this application, addressed to the Senate conferees:

SENATE CHAMBER, February 5, 1889.

GENTLEMEN: It is well known to you that the people of Washington Territory had voluntarily adopted woman suffrage, and that it had been in force in that Territory to the great satisfaction of the people for a number of years, when it was abolished in consequence of an extraordinary decision of the Democratic supreme court.

We think that in justice the women of that Territory should be permitted to vote on its constitution, and in electing delegates to the convention which shall frame it.

We hope you will be able to secure in conference a provision that all persons, or classes of persons, who have enjoyed the actual exercise of the right of suffrage under any act of a Territorial Legislature shall be permitted to vote in the election of members of a constitutional convention and on the adoption of a constitution by the people, notwithstanding any decision of the courts as to the validity of such act.

GEORGE F. HOAR.  
T. W. PALMER.  
J. N. DOLPH.  
H. W. BLAIR, and also in  
regard to Dakota.  
JOHN H. MITCHELL.  
H. M. TELLER.  
H. L. DAWES.  
WM. M. STEWART.  
CHAS. F. MANDERSON.  
JONATHAN CHACE.  
JAMES F. WILSON.

A. S. PADDOCK.  
C. B. FARWELL.  
THOS. M. BOWEN.  
LELAND STANFORD.  
C. K. DAVIS.  
JOHN P. JONES.  
D. M. SABIN.  
WM. P. FRYE.  
W. E. CHANDLER.  
P. B. PLUMB.  
JOHN SHERMAN.

To Senators PLATT and CULLOM.



This paper was signed by twenty-two Senators. The two Republican members of the conference on the part of the Senate—the Senator from Connecticut and the Senator from Illinois—had themselves voted for a constitutional amendment providing for and securing woman suffrage throughout the United States. This document, of course, was not presented to them for signature, as they were members of the conference committee, but with them the signers of the document make two-thirds of the Republican members on this side of the Chamber.

I supposed that would secure the insertion of such a provision in any conference report which should be made, unless it should turn out on inquiry that the insisting upon it further would prejudice the agreement under which four States, and not one alone, are to come in, and thereby expose those Territories to waiting for assuming their proper constitutional place in the Union for an indefinite period, which I presume no person who signed this paper desired. I certainly myself did not.

I supposed that if the conferees on the part of the Senate found that it would be impossible to secure this provision, they would still think it was very important that the Territories should be admitted, and would therefore report to the Senate a plan for their admission even without it. I desire to inquire of my friend from Connecticut what has been the fate of that proposition in the conference?

Mr. PLATT. Mr. President, very many things which the conferees on the part of the Senate would have desired to secure in the agreement which the conferees should reach had to be given up in the interest of obtaining a bill which should accomplish the great work of introducing into the sisterhood of States four new members. This is not the only matter which the Senate conferees did desire to have incorporated in the bill; but it is a bill which we think will accomplish the result desired; that under it four States will be added to the Union.

With regard to the particular question involved, a uniform rule is adopted for all the Territories, prescribing who may vote for delegates to the constitutional conventions. There is considerable difference in the qualifications of voters in the several Territories, and this language is used:

SEC. 3. That all persons who are qualified by the laws of said Territories to vote for representatives to the Legislative Assemblies thereof are hereby authorized to vote for and choose delegates to form conventions in said proposed States.

That allows in each Territory those persons to vote for delegates to the constitutional convention who now under the laws of the Territory are permitted to vote. To have inserted what the Senator from Massachusetts desired to have inserted would have made a different rule for Washington Territory than that prescribed for the other Territories; that is to say, it would have provided that certain persons—citizens, I admit—who under the decision of the supreme court of Washington Territory are not now entitled to vote for representatives to the Legislative Assembly should be permitted to vote for delegates. It is true, as the Senator has stated, that for several years women have exercised, in virtue of a Territorial law, the right of voting in the Territory of Washington.

It is also true that recently the supreme court of Washington Territory has decided that the law which was passed by the Territorial Legislature was not valid because it did not comply with the provisions of the organic act of the Territory. That decision, as I understand, has been appealed from and is now pending in the Supreme Court of the United States, and I hope will be advanced and decided at an early day by the Supreme Court of the United States, and I may express the opinion, for one, that I shall be very glad if the Supreme Court of the United States finds that that judgment can be reversed.

The majority of the Senate conferees presented this matter to the conference. They insisted upon it, I think, as far as it was wise or judicious to insist upon it. It was not acceded to by the conferees on the part of the other House or by a majority of them, so that it left a distinct difference and disagreement between the Senate conferees and the conferees of the House of Representatives, the Senate conferees desiring and insisting, by a majority, that it should be put in, and the House conferees insisting and desiring, by a majority, that it should not be put in, but that the same rule should apply to each Territory, and that is that only the persons qualified now to vote for members of the Legislative Assembly should be permitted to take part in voting for the delegates to be elected to the constitutional convention and to vote upon the constitution, and we did not think it was worth while to carry our insistence and disagreement to such a point as to endanger this great measure by doing so.

Mr. BLAIR. Mr. President, for many years the women in all of these four Territories which it is now proposed to admit as States have been anxious to secure the right of suffrage. This is true to a great extent of the women in both the Dakotas, somewhat in Montana, and in the Territory of Washington they have been in the actual exercise of this great right as long as have the men in that Territory, until their recent disfranchisement by a decision of an inferior court. Since this disfranchisement in the Territory of Washington—

Mr. MITCHELL. The Senator is mistaken in the statement that the women have voted as long as the men.

Mr. BLAIR. How long have they voted?

Mr. MITCHELL. For some years, but not as long as the men.

Mr. BUTLER. I will inform the Senator that they have voted in two elections; the elections of 1884 and 1886.

Mr. BLAIR. Very likely I am incorrect as to the length of the time they have voted; but since the enactment of the Territorial law giving them the right. It has now been held by this court that the law is invalid as being in contravention of the organic act, as I understand the ground of the decision. If that be so, if that be the ground on which the law of the Territory is held to be invalid, it certainly does not follow that in this enabling act we might not confer upon women the right of suffrage; and I do not think we excuse ourselves for depriving them of a really vested right, as I believe to be, a natural right, a right which they have exercised, and the deprivation of which they must deeply and keenly feel. I say we do not justify ourselves at all in the admission of these States for our failure to extend to them the privilege they have hitherto exercised by quoting the decision of a court which can not prevent our giving them right to vote beyond dispute by this enabling act.

Since that decision was announced there has been a great deal of feeling exhibited on the part of the women of the Territory of Washington. Numerous letters and memorials remonstrating have been forwarded to members of Congress, and many have been received by myself, and it will be a most bitter disappointment to one-half the population of that Territory and to a great many citizens in the others that this omnibus enabling act is passed without making provision for the extension of the right of suffrage to women in this great initiatory act of their statehood; and for one, if I felt that it was the duty of an individual to obtrude himself against the phalanx of the vast majority without reference to party distinction, I would certainly oppose the adoption of this conference report and the passage of this bill.

I look upon the matter that is involved as one of the most serious which can attract the attention of American legislators. I believe the right of suffrage belongs to women as much as it does to men. I believe that the distinction of sex with reference to the exercise of any of the rights or privileges or immunities of citizenship is no distinction. The suffrage is no physical act. The suffrage is a mental act. It is the decision of the mind, guided by conscience, intelligence, and the moral sense, uniting to decide upon the issues which concern the well and welfare of woman as well as of man. Upon the decision of such issues woman has the same right to be heard as man. She has life, she has liberty, she has property involved as much as has man, and in a republican form of government such as we pretend ours to be it is simply an insult to that half of the creation, which is as intelligent as we are ourselves, to deprive them of the exercise of rights for which any of us in our own persons would die.

Mr. DAWES. If the case appealed to the Supreme Court of the United States should be advanced, and that decision be reversed, is not the Senator aware that then the women of the Territory of Washington under the bill would be entitled to vote?

Mr. BLAIR. I will answer the Senator, and answer him now, though I think it was quite an incongruous interruption at that particular point.

Mr. DAWES. If the Senator will allow me to apologize for the intrusion, I will do so, and I will refrain from interrupting him again.

Mr. BLAIR. I shall be obliged to the Senator if he will do so. I accept the apology, together with such emendations and additions as the Senator feels proper to make, but I would not exact it to the full extent to which he has gone.

Mr. DAWES. I asked the Senator a question in good faith, and desiring to attain the same end that the Senator desires to attain I was inquiring of him whether it could not be attained in that way; but the Senator seems offended, and I regret exceedingly that I have offended him.

Mr. BLAIR. I am glad to receive the expression of the Senator's good will. He regrets having offended me, and I assure him he has not offended me. I simply embraced the opportunity to assure him that, in my judgment, as a matter of taste and propriety, his interruption was at an exceedingly inopportune moment in my remarks, but I also at the same moment assured him that I would proceed to answer his question then in good faith, and I will do so now.

The Senator inquires whether if the Supreme Court of the United States should reverse the decision of the supreme court of the Territory of Washington, then women might not be permitted to vote in the Territory of Washington under this bill. I presume such is the language of the bill. I understood the Senator from Connecticut [Mr. PLATT] to say that it was intended to produce that effect. But the Senator knows very well, I suppose—if he does not I will assure him that it is my opinion—that this case will not be advanced on the docket of the Supreme Court of the United States, and if it were advanced on the docket of the Supreme Court of the United States I do not believe it would be heard and decided in season to avail the women of that Territory; and were it so, and were the language of this enabling act sufficient to influence the officials who may control its administration so far as that Territory is concerned to give woman the right of expressing her opinion upon this great act of the beginning of statehood there, I do not believe that, as a practical



matter, within the time that question will be settled, they will ever have the opportunity of exercising their right.

But if that were so as far as Washington is concerned, I am speaking for them all, not the Territory of Washington alone, but Montana and both the Dakotas, for throughout all this great belt of country which is our rampart on the Northwest, woman is as anxious to vote all along the line as she is in Washington. She is more keenly alive to the deprivation of her rights there perhaps, because she has once exercised them, and we all know how it would be in the case of the colored man of the South. An act which could not be consummated without bloody revolution to deprive the citizens of color of the right they have already exercised, and because they have exercised it and not because it is a natural right, for they went without the exercise of it as a natural right for centuries.

But now that it is given to them no power exists which can take it from them without blood. And had woman her right, had she force at her command and organization behind her, you would find revolution in the Northwest ere she would surrender this right of suffrage after having once exercised it.

Mr. PAYNE. The women are deprived of their right of suffrage in Utah.

Mr. BLAIR. But in Utah the people are substantially under martial law. They are under the heel of the Government, and there they must remain until they have modified some of their institutions.

Mr. President, I suppose it may seem to the Senate and may seem to the country as though this was a trifling matter, but it appears to me to be the admission of but half the population of this great Territory into the Union. To woman it is no extension of right or of privilege or of power. To man it is the extension of an invaluable privilege, and it is of importance to these States as States. But some time there must be a precedent made for the extension of this great right to the half of creation which does not now exercise it, and particularly, as I believe, in governments republican in form the principle must be carried to its full extent, or with increasing intelligence and moral sense that government which fails to do it will be condemned because not republican in form, will be revolutionized and subverted.

It does not follow because women are not capable of action in the field, because they are not a fighting force, that there are not, if you please, invisible and almighty battalions on their side. Justice is with them. Life, liberty, property, and the pursuit of happiness are of as much consequence to them as to us. They have the same right of decision upon what pertains to the settlement of their great privileges and immunities as have we ourselves. We do withhold their right.

Mr. President, as I said before, here is this long yet important strip of territory which in my own mind I had consecrated for years to the exercise of this great franchise, and these Territories are to be admitted as States and woman is to be deprived of her sacred right. We talk of what she may do after the States are in the Union. I understood the Senator to express the opinion that these States once in the Union and the sentiment for suffrage strong, it would be extended to woman by the action of the men in the States; but the real secret and the true reason why woman is deprived of the right of suffrage is because it is the secret of power.

It is of little consequence to woman or to man, save only as it is the opportunity to exercise power over one's own destiny and over the destiny of the society of which one is a component part. Men refuse to women this right because and principally because it is a division of power. When these States are in the Union it will be only with the utmost reluctance that man will divide and extend to the other half of creation one-half of that which he now possesses alone, and you will find that women living in a State in the Union are at a great disadvantage with reference to the attainment of their privileges from what they would be if they should remain in a territorial condition until they could reach the opportunity to exercise their right upon the question of the admission of their States.

There is only one other Territory, and that is Wyoming, where women can vote. What may happen to deprive them of the privilege they exercise there when Wyoming comes to be admitted to the Union we do not know. But it is a significant and discouraging fact, to me at least, that Washington especially, where the exercise of the right has been so long enjoyed and is so highly prized, is to come into the Union and women are to be excluded from their membership as citizens and as voters in that northern queen of the occidental States.

Now, Mr. President, not to occupy too long the time of the Senate, I will call attention to one other feature in this report which I am very glad to commend. I find on page 5, paragraph 4, this provision:

Fourth. That provision shall be made for the establishment and maintenance of systems of public schools, which shall be open to all the children of said States, and free from sectarian control.

There, sir, is a feature of redeeming, of saving grace, and of the very greatest importance, as it seems to me. It is the substance of a constitutional amendment now pending before this body designed to secure the same in substance to the people of all the States, and those already in the Union as well as to those which may hereafter be admitted. That amendment I consider the most important measure now pending

in the United States in any legislative body or before the great forum of the people. We have made some advance in the hearings upon that amendment before the Committee on Education and Labor and we shall make still more, and I take this opportunity to express my gratification that this leading feature is recognized and is to be adopted in the fundamental law of these States. This makes a precedent, compliance with which will require the extension of the provisions of this amendment to all the States in the Union.

Nor, Mr. President, is this a matter upon which there is but slight public interest. All over the country our people are learning that a great question has arisen. It is this: Which shall be the survivor, the common school or the parochial, the denominational school in this country? That is the really leading issue of the immediate future so far as the politics of this country are concerned.

I have in my hand the expression of sentiment of many of the leading citizens of one of the great cities of this country, which, in this connection, I will read to the Senate. It is a memorial addressed to the Senate and House of Representatives of the United States in Congress assembled, in behalf of the citizens of Philadelphia, and it showeth:

*To the Senate and House of Representatives in Congress assembled:*

This memorial, on behalf of citizens of Philadelphia, sheweth: Two grave dangers threaten at this hour the American system of common schools, the atheistic tendency in education and the strenuous demand for a division of the school funds in the interest of sectarian or denominational schools. Through the former tendency the reading of the Christian Scriptures and the offering of prayer have been forbidden in the schools of some of our principal cities, while one at least has gone so far as to throw out of her schools every text-book containing any reference to God. This attempt to exclude all religious ideas from the instruction given in the public schools we hold to be both unphilosophical and inimical to the public good, because it neglects the moral faculties, which are the most important faculties of man, and the right exercise of which is most important to the State; and because it does not correspond to the character of the institutions for which the common school is designed to prepare the citizens of this Republic.

Mr. PAYNE. What is the paper from which the Senator is reading?

Mr. BLAIR. It is the memorial of citizens of Philadelphia.

Mr. PAYNE. Will the Senator state in what States the practices referred to are said to prevail?

Mr. BLAIR. It is alluding to many of the prominent cities in different States, quite a number, some fifteen or twenty cities in different parts of the country where this has been done, as I am informed.

On the other hand, to accept the proposal for a division of the school funds would be for the State to destroy the whole school system which we have built up with so much care and at such vast expense; to renounce all responsible or effective control of the work of education, and to become a mere tax-gatherer for the sects. The one great argument by which this proposal is sustained is that Christian parents can not accept for their children an education which, while ostensibly neutral, is virtually hostile to religion. The adoption of the secular theory of education, therefore, so far from reconciling those who advocate the division of the funds, only stimulates them to fresh efforts, and supplies them with fresh arguments against the public schools. These two adverse tendencies, therefore, assist each other, and between them there is danger that our school system may perish or be seriously crippled at the very time when it is most urgently needed; for, more than any other single institution, it may be regarded as the digestive organ of the body-politic through which we assimilate to the national character the foreign elements which every year brings in increasing volume to our shores.

Against both these dangers we shall provide most effectively by simply keeping our school system on the foundations where it was placed by our fathers. We believe that the time has come when constitutional safeguards ought to be erected in the nation's fundamental law around this most precious institution. We have, therefore, observed with pleasure the introduction of a joint resolution now pending before one of your honorable bodies (Senate Res. 86) proposing an amendment to the Constitution of the United States which, while it recognizes the Christian character and purpose of our system of public education, forbids the appropriation of public money to any school or institution in which the peculiar doctrines or ceremonials of any religious sect or denomination are practiced or taught; and we earnestly pray that you will speedily submit this or some similar amendment to the Legislatures of the several States for their approval.

In this connection we are reminded that General Grant, when President, recommended to Congress the passage of an amendment to the national Constitution "prohibiting the granting of any school funds or school taxes, or any part thereof, either by legislative, municipal, or other authority, for the benefit or in aid, directly or indirectly, of any religious sect or denomination." The Republican national convention, at Cincinnati, June 15, 1876, recommended "an amendment to the Constitution of the United States forbidding the application of any public funds or property for the benefit of any schools or institutions under sectarian control."

The Democratic national platform, adopted in the same year at St. Louis, declared for the maintenance of the public schools "without prejudice or preference for any class, sect, or creed, and without largesses from the Treasury to any." A joint resolution to this effect, introduced into the House of Representatives by Hon. James G. Blaine, was adopted in that body by an almost unanimous vote. Amended in the Senate by the addition of a proviso that it should not be construed against the reading of the Bible in the schools, it was adopted there by a vote of 28 to 16, or a little less than the requisite two-thirds. The danger is now more manifest, the need is more urgent than then. The lapse of a dozen years has strengthened every argument which was then employed in support of this measure.

At a largely attended public meeting, the call for which was signed by a large number of the leading citizens of Philadelphia, the undersigned were appointed a committee to act for their fellow-citizens in this matter. In support, therefore, of the desired action we lay before you this memorial, and beg leave also to submit the resolutions adopted at the aforesaid meeting, which are as follows:

*Resolved*, That this nation, in its origin and history, is Christian. Our colonial compacts of government and charters, our State constitutions and statutes, our common law, our days of fasting and thanksgiving, our State and national institutions and usages generally, have given our political being a marked and distinctive Christian character.

*Resolved*, That the type of Christianity which has characterized our State and



national life is that which secures to our people an open Bible, the right of private judgment, freedom of speech and of the press, and the entire independence of our Government against all foreign domination, whether ecclesiastical or civil. The sovereign people and their government are not amenable to spiritual pontiffs or civil potentates, but to God and His law.

*Resolved*, That our common schools, as one of the most important institutions of our country, should correspond to the Christian origin, history, and character of the Republic itself. Our schools should teach the history of our country and the character of our institutions; our laws, and the reasons for them; the prerogatives and responsibilities of the sovereign people and their government, and the loyalty due, under God, to the authority of our own rulers. The Bible ought not only to be read, but taught, in all the schools. The public schools must prove a failure if they do not train our rising generation to be honest, virtuous, and loyal citizens. Such training, as the ordinance for the Territory of the Northwest and Washington's Farewell Address assure us, can be found only in the principles of religion.

*Resolved*, That while our schools are and should be Christian, no preference or advantage should be given to any one sect or denomination in connection with the public schools. Above all, no sect can justly or fairly claim any portion of the public money for the support of its own sectarian schools.

*Resolved*, That against the demand made by a portion of our Roman Catholic fellow-citizens for a division of the school fund there is this additional and invincible argument: That the teaching of that church concerning the supremacy of the Roman Pontiff as the infallible vicegerent of Christ over governments and nations as well as individuals, in all matters of faith and morals, is directly subversive of the principles of liberty on which the Republic has been founded; and to endow or support from the public Treasury schools in which this doctrine is taught would be to provide means for the subversion of our free institutions.

*Resolved*, That in both these respects our school system should be kept on the foundations on which it was placed by our fathers. We seek no change, and we will withstand all attempts to revolutionize, in either of these features, our system of public education.

*Resolved*, That we approve of the general features of the constitutional amendment now pending in the Senate of the United States, "respecting establishments of religion and free public schools," in that, while it recognizes the Christian character and purpose of our system of education, it forbids the appropriation of public money to any school in which the peculiar tenets or ceremonies of any religious sect or denomination are practiced or taught.

*Resolved*, That a committee of nine be appointed by this meeting to co-operate with the National Reform Association in its further efforts in behalf of this or any similar measure which may be directed to the same ends, and that this committee shall have power to add to its numbers.

Then follow the signatures of a large number of the leading citizens of the city of Philadelphia. The constitutional amendment referred to is in these words:

Joint resolution proposing an amendment to the Constitution of the United States respecting establishments of religion and free public schools.

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled* (two-thirds of the House concurring therein), That the following amendment to the Constitution of the United States be, and hereby is, proposed to the States, to become valid when ratified by the Legislatures of three-fourths of the States as provided in the Constitution:

#### ARTICLE—

SECTION 1. No State shall ever make or maintain any law respecting an establishment of religion, or prohibiting the free exercise thereof.

SEC. 2. Each State in this Union shall establish and maintain a system of free public schools adequate for the education of all the children living therein, between the ages of six and sixteen years, inclusive, in the common branches of knowledge, and in virtue, morality, and the principles of the Christian religion. But no money raised by taxation imposed by law or any money or other property or credit belonging to any municipal organization, or to any State, or to the United States, shall ever be appropriated, applied, or given to the use of purposes of any school, institution, corporation, or person, whereby instruction or training shall be given in the doctrines, tenets, belief, ceremonies, or observances peculiar to any sect, denomination, organization, or society, being, or claiming to be, religious in its character, nor shall such peculiar doctrines, tenets, belief, ceremonies, or observances, be taught or inculcated in the free public schools.

SEC. 3. To the end that each State, the United States, and all the people thereof, may have and preserve governments republican in form and in substance, the United States shall guaranty to every State, and to the people of every State and of the United States, the support and maintenance of such a system of free public schools as is herein provided.

SEC. 4. That Congress shall enforce this article by legislation when necessary.

Mr. President, the conference committee have embodied in this great enabling act, so defective with reference to one-half of the population living within the Territory concerned; so defective, I had almost said, in the light of the times in which we live; so wickedly defective in that regard, the committee have embodied in this great bill a provision substantially the same, the very essence of the provision in the constitutional amendment which I have just read, and this feature I most highly commend and I shall look to it in the struggles of the future, if I participate in them, as the great precedent for the general adoption of the substance of the constitutional amendment which has been proposed, is now pending before us, and which I have just read to the Senate.

I am not one of those who think these States should have been admitted at this time under these circumstances; I gladly defer to the judgment of those who, in so much greater numbers, are individually quite my peers upon a question of this kind. But I should have preferred that we should have taken a little more time, that we should have given to these separate Territories a little more of individual consideration, and that in this great act we should have done much more of justice and should have placed these coming States upon a foundation of enduring prosperity and of stable institutions, republican in form, working justice to everybody, regardless of sex. I should, I say, have preferred this could I have had my own judgment complied with, and I should defeat this bill for six months or a year if we could achieve these grand results. But, sir, the majority rules, and I bow to the majority, specifying the reasons why I should have been glad that while doing so much of justice that we might have done more.

I will no longer claim the attention of the Senate.

Mr. CULLOM. Mr. President, I shall not occupy the time of the Senate more than a moment, as I am very anxious that we shall have a vote upon this report before we adjourn. I shall not go into a discussion of the merits of the question that has been debated by the Senator who has just taken his seat or by the Senator from Massachusetts. It is sufficient to say that the subject of the admission of these Territories into the Union, or most of them, has been before the Congress of the United States for many years. There has been much discussion with reference to the question. Finally the Senate bill was amended by the House and the whole subject got into a conference committee of the two Houses. The conferees of the two Houses disagreed at the first meeting and afterwards they were again appointed, and we have finally come to a conclusion and made our report.

I have felt, as one of the conferees, that I could not afford by my action, on account of the differences between the two Houses, to take away from these Territories their opportunity for statehood. The people of these four Territories number about 1,000,000, and, as is suggested by the Senator from Massachusetts [Mr. HOAR], it has been, I think, notorious to the country and to both Houses of Congress that if the conferees had agreed to the proposition advocated by the Senators from Massachusetts and New Hampshire the report of the conferees would not have been concurred in by either branch of Congress. So every consideration, it seems to me, looked to the duty on my part of agreeing to the conference report as presented here before the Senate and which has been ratified by the House to-day.

Mr. President, it is a pretty serious matter to take a step that will result in the deprivation of so many people from being members of our great Union; and I desire to say furthermore that the admission of four States into this Union is a great event, such a one as has never occurred in this country before in reference to the admission of States into the Union. I believe it has occurred that perhaps two States have been taken in at one time, but it has never occurred in the history of the country that the Congress of the United States has provided for the admission of four great commonwealths into the Union at once.

These Territories, by common consent, I think, of the members of both Houses of Congress as well as the country, are possessed of all the elements that justify their admission into the Union in population, resources, civilization, and all that makes them worthy of statehood.

Mr. VEST. Will the Senator from Illinois permit me to ask him a question?

Mr. CULLOM. Yes, sir.

Mr. VEST. I see by this conference report—and I believe the Senator is one of the conferees—that the Territory of New Mexico is stricken out of the list of Territories to come into the Union. I also see from the RECORD that the Senator from Illinois, when a member of the other House in 1876, voted for the admission of that Territory with a much smaller population.

Mr. CULLOM. What year was that?

Mr. VEST. Eighteen hundred and seventy-six.

Mr. CULLOM. The Senator is mistaken, because the Senator from Illinois was not there then.

Mr. VEST. In 1874, I should have said.

Mr. CULLOM. The Senator from Illinois was not there then; so that is a mistaken report. The Senator from Illinois went out of the House of Representatives on the 4th of March, 1871, and has no recollection of ever having voted upon the question of the admission of New Mexico as a State.

Mr. VEST. So far as the Senator's individual record is concerned he can state it for himself. I had the vote before, but I spoke from memory when I stated that the Senator voted for it. I know several distinguished Senators on the other side did vote for that bill. The Senator from Massachusetts to my right [Mr. DAWES] voted for it; the Senator from Iowa [Mr. ALLISON] voted for it; and the junior Senator from Massachusetts [Mr. HOAR] voted for it, if I am not mistaken.

Mr. HOAR. To which Senator from Massachusetts does the Senator from Missouri refer?

Mr. VEST. I think both the Senators from Massachusetts, according to my recollection, voted for it. I can send for the record of the vote.

Mr. HOAR. If the Senator will pardon me, I desire to say if he is to write the chronicles of our recent political history he will have to study them much more carefully. I made a very earnest and zealous speech against the admission of New Mexico in the House of Representatives.

Mr. VEST. So far as writing chronicles is concerned, I have no ambition in that regard, nor have I ever had time to go back into the CONGRESSIONAL RECORD, except for a specific purpose. My life has been rather too busy to devote myself to hunting up ancient debates of either House of Congress. I speak from memory, for some one removed the paper containing the statement of the vote from my table.

Mr. HOAR. I should like to ask the Senator from Missouri if he does not think, before he undertakes to guess about my record for consistency, that it would be becoming in him to go back?

Mr. VEST. I am not guessing. I stated what I believed to be a fact. I am informed now by one of my colleagues that it was possibly the other Senator from Illinois who voted for that bill.



Mr. CULLOM. That is probable.

Mr. VEST. Yes, it was the other Senator from Illinois. I mistook the Senator.

Now, Mr. President, I should like to ask the conferees why it is that when fourteen years ago the admission of New Mexico was determined upon, the Republicans holding both branches of Congress, by a vote in the House of 160 to 54, and on February 24, 1874, the Senate being Republican, the vote was 32 for the admission of New Mexico to 11 against it, and on March 10, 1876, when the Senate was still Republican, a bill for the admission of New Mexico also passed the Senate by a large majority?

I call attention to the vote in the House on May 21, 1874, 160 in the affirmative for the admission of New Mexico and only 54 against it. At that time New Mexico had not one-half of the population that it has to-day, and that population was composed in about the same relative proportions of whites and Mexicans.

In the RECORD which I hold in my hand I see in the House of Representatives that the great objection to New Mexico is that the population to-day is largely Mexican.

Mr. CULLOM. Will the Senator allow me?

Mr. VEST. I ask for information why it is that, with this state of facts, the conference report strikes out New Mexico, with a population to-day, according to the report of the governor of that Territory, of 175,000, twenty-odd thousand more than the ratio for a member of the House of Representatives? I should like to know the reasons for that thing.

Mr. CULLOM. I shall not go into a discussion of the merits of that question.

Mr. VEST. That is what we want to know.

Mr. CULLOM. Suffice it to say that, so far as former votes in either House of Congress are concerned, I do not think they ought to be counted in our deliberations on the question of the admission of States to-day.

I desire to say further that the Senator from Missouri, as well as every other Senator, knows that there is a very great difference in the social conditions and in the general situation of the Territory of New Mexico and of the other Territories that are included in this bill. Whatever the population of New Mexico may be, whether it be 150,000 or 175,000, the Senator knows that a large share of the population of that Territory are what we call Mexicans, Spaniards, and that a very small portion of the people of New Mexico to-day speak the English language at all.

There are not over fifteen or twenty thousand people in that Territory, as I am informed by citizens of the Territory, who speak the English language or who are not Mexicans, as they are termed in contradistinction to Americans or to people of foreign birth.

But I will not discuss that subject further. I do not desire to open up a general discussion of the question, because I think it very important that we shall pass this bill to-night.

I simply rose to say that it seemed to me that the importance of the agreement to this conference report taking in these four Territories, which everybody admits are not in any particular in a condition to be questioned as to their right to statehood, whether it be in point of population, or in advancement in civilization, or in the development of their Territories in any way, is such that as one of the conferees I did not feel that I should be justified in standing out and refusing to consent to the propositions that were made and thereby postpone the admission of these Territories for another year or perhaps two years.

So that, so far as the question which has been suggested by the Senators from New Hampshire and from Massachusetts is concerned, it is sufficient to say that there was a difference between the conferees of the two Houses upon the question, and that I did not feel, for one, that that difference ought to prevent an agreement and prevent the admission of these Territories as States into the Union. Therefore, so far as I was concerned, I signed the report of the conference committee, and I hope it will be adopted.

Mr. BUTLER. Mr. President, as a member of the conference on the part of the Senate which has made this report now before the Senate, I think it proper to state my position in regard to it.

I was actuated very much by the motives which have just been alleged by the Senator from Connecticut [Mr. PLATT] and the Senator from Illinois [Mr. CULLOM], and I think it due to frankness to state that I signed the report with a great deal of reluctance; not that I do not believe that the four Territories embraced in this bill have all the qualifications necessary for statehood, for I believe they are all qualified in population, in intelligence, in resources, and in every other respect; but there are some provisions of this bill which do not meet the approbation of my judgment, one especially, which will be found in the eighth section, to the effect that upon the report of the vote upon the constitutions framed by these constitutional conventions authorized by this enabling act being certified to the President of the United States, accompanied by a copy of the constitutions adopted by that vote, which shall in his judgment be republican in form, he shall thereupon issue his proclamation, and the States shall then be regarded as States in the Union by this act of Congress.

I have always held, and I hold now, that the regular constitutional method for the admission of States is, in the first place, to secure an

enabling act from Congress authorizing the population of the Territory proposed to be made into a State to vote on the question of a constitution, and having voted upon that question, before they shall be admitted the constitution so adopted should be submitted to Congress for its approval. That has been my position, and it is now. I think it would have been very much better if that could be done in this instance; but, like the Senator from Illinois and the Senator from Connecticut, I did not feel justified in obstructing, if I could do so, the passage of this bill, involving such vast interests to so many people of this country, and I therefore yielded that point with the distinct understanding that I do not admit, so far as I am concerned, that it shall be regarded as a precedent. I therefore should like it to be understood that all of the concessions made to secure the passage of this bill were not made by our friends on the other side of this Chamber. I think that there was a spirit of concession on both sides in the interest of the passage of a bill which would admit these four Territories as States of the Union.

I differed with my friend from Illinois about New Mexico. I opposed the elimination of that part of the bill from it. I believe that New Mexico is to-day qualified to become a State in the American Union. She has the population, she has the resources and all of the elements, in my judgment, necessary to become a State in the American Union.

Mr. MORGAN. What was the objection to it?

Mr. BUTLER. The objection has just been stated by the Senator from Illinois, that a very large portion of the population of New Mexico were not of the Caucasian race, that a large majority of them were Mexicans and Indians, that in very many of the schools of New Mexico the English language was not taught, etc.

Mr. CULLOM. There are very few of them where it is taught.

Mr. BUTLER. The Senator from Illinois says very few. We had not very definite information upon that point, but I think from the best information I could get there is a population of 175,000 in that Territory, and, as I said awhile ago, they have all the necessary elements and qualifications to become a State, but, still hoping that justice would be done that Territory within a very short time, I gave that up, and, as I say, reluctantly signed this conference report. I did so in obedience to that feeling which has been indicated, that this question ought to be settled; that these people are entitled to be admitted into the Union upon terms of equality with the other States of the Union; and therefore, as I say, I made the concessions which I have indicated.

In regard to the question of woman suffrage, it is due to my colleagues of the conference committee to say for them that that question was presented earnestly by them for the consideration of the conference and the proposition was rejected. For my part, I had no trouble in putting my veto upon it, preferring to leave that question just where it has been placed by the courts of the Territory of Washington, from whose decision I understand an appeal has been taken to the Supreme Court of the United States. I believe those people are just as competent to settle that question as the Senate or the Congress of the United States, and I prefer to leave it there. We provided that the qualifications for voters as existing in those Territories should apply to those voting on the constitution to be adopted.

I repeat that that provision of the bill which proposes practically to admit these Territories upon the proclamation of the President of the United States does not meet my approval.

Mr. VEST. Mr. President, I have received no other answer to the question I put to these conferees except that the social conditions in New Mexico are different from those in the other Territories mentioned in this report.

Mr. PLATT. Did I understand the Senator from Missouri to put the question to me?

Mr. VEST. I have not the slightest objection to the Senator answering it.

Mr. PLATT. My position about New Mexico is this: There was a very great difference of opinion on that subject among the members of the Senate and among the members of the House of Representatives; there was no difference of opinion as to whether these four Territories ought to come in as States, and to mix the question of New Mexico with it was very likely to imperil the admission of the other Territories at this Congress. That was my position on New Mexico, and the position of others.

Mr. VEST. That is hardly a fair answer to the question which I propounded, nor is it a good answer, because it goes without saying that, with almost a solid vote on this side of the Chamber in favor of the admission of New Mexico, if a sufficient number of Republicans, or even a very small number, could be found to favor the admission, the fate of the bill would not have been endangered at all.

The only answer we get which amounts to an answer at all is that the social conditions in New Mexico are such as to prevent or as should have prevented the admission of that Territory as a State. In 1874 the conditions which are now paraded here as a reason for excluding New Mexico were much more strong upon that side of the question than to-day. There was a larger Mexican population, because it is a notorious fact to every Western man at all acquainted with the Territory of New



Mexico that hundreds of peons, as they were called—the lower order of Mexicans—have gone back into old Mexico, frightened by the advance of Anglo-Saxon civilization, and because they desired a homogeneity of language, institutions, religion, and race, which they found amongst their own people.

In 1874 there were more Mexicans there than to-day and less white people. Along the line of the Atchison, Topeka and Santa Fé road, where I went over the old Mexican trail when a boy, to-day towns are springing up which rival in enterprise and wealth the towns in the Western States—such as Albuquerque, Socorro; and old Santa Fé, that used to be a collection of adobe houses, to-day is a thriving mart and a commercial center for that vast area of country, with the white population steadily increasing, and American customs, habits, and ideas have all advanced, while the effete and worn-out civilization of the Indians and the Aztecs and the Spaniards has gone backward and receded. And yet, with that old condition of things, the Republican party voted, in 1874, 160 to 54 in favor of letting in this Territory with half the population it has to-day, and the Senate voted in the same year 32 to 11, three to one in both instances, and afterwards by a large majority in 1876 voted the same way.

Let us be perfectly frank with each other. Why shall we keep out New Mexico? Why do you keep it out? Because in 1874 and in 1876 New Mexico was represented not only by a Republican Delegate, but by one of the most active Republican partisans that has ever been known in the history of this country, Hon. Stephen B. Elkins. That was the condition of things in 1874 and 1876, and to-day New Mexico is represented in the other House of Congress by a Democrat, and although the Legislative Assembly of New Mexico is Republican to-day, the Republican party here and in the other House of Congress are afraid to risk the vote of the people.

Mr. CULLOM. Will the Senator allow me to interrupt him a moment?

Mr. VEST. Of course.

Mr. CULLOM. I want to say that, so far as I am concerned, the question of the political or partisan status of the people of New Mexico is a matter of no consideration in the decision of the question whether the Territory shall be admitted as a State or not.

So far as that Territory is concerned, while the Delegate happens to be a Democrat, as I understand, although I do not know him personally, yet the truth is that the Legislature of the Territory is at least two-thirds Republican.

Mr. VEST. I stated that.

Mr. CULLOM. I want to say further that I have, so far as my action is concerned, been influenced by statements from Democrats and Republicans of that Territory that the people of the Territory as a body are not entitled, on account of the condition of affairs there, to admission as a State into this Union.

I tried to avoid saying very much about the subject awhile ago, because I wanted to have the conference report disposed of, but evidence has been furnished to me to the effect that there are very few schools in that Territory where the English language is taught, and men who practice law there have told me that while they have perhaps been attorneys in a thousand lawsuits they have never tried one without the necessity of using interpreters, because the officers of the courts, as well as the witnesses in many instances, could not speak the English language.

So I might go on and give the reasons why I have not felt that it was incumbent upon me at this time to incumber this bill with the question of the admission of New Mexico. When the time comes perhaps the people of that Territory will be able to show a different situation, and I shall be as willing and as anxious as the Senator from Missouri or anybody else to admit New Mexico when they show conditions that seem to demand it.

Mr. VEST. Mr. President, so far as the courts in New Mexico are concerned they are administered in Santa Fé and in Socorro just as regularly and in accordance with the forms of law, just as much as in any portion of the United States. They have a Mexican population there and they had when the treaty of Guadalupe Hidalgo was made between the United States and Mexico, in which the same rights were guaranteed to the people occupying that soil as to the American citizens that might go there after the consummation of that transfer. About this there can be no sort of question.

Now, we are confronted with a race question here again, that these people are Mexicans, and therefore they ought not to be permitted to become citizens of the United States in a State of the Union.

Mr. President, when the negroes of the South—former slaves—who had been mere chattels under a system that prevailed in those States for years, were made citizens of the United States and given the right to vote, we heard nothing then of this sensibility on the race question which confronts us in this argument. In the Northwestern States there are thousands of Scandinavians who can hardly read or write or speak the English language, and yet they become citizens of the United States, entitled to the same privileges with those of us who were born upon the soil. In Dakota there are thousands of them, and I have no doubt they are a hardy, a thrifty, and an intelligent population.

No, Mr. President, let us understand this question. If we are to

admit these four Territories as States we should admit New Mexico, and in common decency and fairness, speaking here without disguise as members of different political parties, we should stand the hazard of the die hereafter in the votes to be had in those Territories.

For one I shall vote against this report and against this bill, and I shall do it upon the ground that New Mexico has not been included in this report, and I am neither afraid nor ashamed to say that I will not consent to give what I believe an unjust and inequitable advantage to the party opposed to that of which I am a member upon any such flimsy pretext as that a Territory that fourteen years ago, with a smaller population and a larger proportion of Mexicans in it, was then fit for admission into the Union and to-day, with all those reasons decreased, it shall not be admitted at all.

Mr. BUTLER. Mr. President—

Mr. PLATT. I desire very much to have action upon this bill to-night, and I rise for the purpose of asking if we can not take the vote at this time.

Mr. BUTLER. Well, Mr. President, I am as anxious as the Senator from Connecticut is. I simply wanted to state that, in acting upon these measures for the admission of States into the Union, if I know myself, I have not been actuated by political considerations. In other words, I could not object to the admission of a Territory as a State because rumor stated that the people of that Territory or a majority of them differ with me in political opinion.

I think, sir, that the subject is too grave and serious and important to be governed by such considerations. All of us more or less are, I take it, sensible to such considerations, but, as I stated, I have not permitted that question to influence my judgment at all, if from no other reason than the very paramount one of the vicissitudes of politics in this country; and now that the great dividing question of slavery has, as I believe and hope, been put behind us, I think that those vicissitudes and changes will be more frequent in the future than in the past, so that where a State or a community may be Republican to-day or Democratic to-day it may be the reverse to-morrow or the next year.

In regard to New Mexico, I do not care now to go into the discussion of the reasons which in my judgment entitle her to admission into the Union. I stated awhile ago briefly that I believe she ought to be admitted into the Union. I believe that she ought to be in this bill, and I so insisted until I apprehended that further insistence might jeopardize the passage of the bill for the admission of these four Territories as States. Then I yielded. When the proper time comes and the proper occasion I trust I shall be found on the side of those who favor the admission of New Mexico at as early a date as possible, and I hope the Congress of the United States will at an early day extend to the people of that Territory the same right that it now extends to the people of North and South Dakota and Montana and Washington.

Mr. HARRIS. I rise for the purpose of making a motion that—

Mr. MORGAN. I wish to submit a very few remarks.

Mr. HARRIS. I will yield to the Senator from Alabama.

Mr. MORGAN. Mr. President, I shall vote for the conference report, and in doing so I desire to make a statement which will explain my reason for that vote.

I feel aggrieved that the Territory of New Mexico has not been included in this bill. My impression is, my conviction is, that it has been excluded, contrary to express treaty stipulations in the treaty of Guadalupe Hidalgo, because of the present political aspect of the people of that Territory, and I think that is demonstrated, because I can not conceive that the committee who have had this subject in charge should have been forgetful of the ninth article of the treaty of Guadalupe Hidalgo and the protocol which followed it and which gave a more emphatic explanation to it. I will read that ninth article:

The Mexicans who, in the territories aforesaid, shall not preserve the character of citizens of the Mexican Republic, conformably with what is stipulated in the preceding article, shall be incorporated into the Union of the United States, and be admitted at the proper time (to be judged of by the Congress of the United States) to the enjoyment of all the rights of citizens of the United States, according to the principles of the Constitution; and in the mean time shall be maintained and protected in the free enjoyment of their liberty and property, and secured in the free exercise of their religion without restriction.

There is a provision in favor of the Mexicans occupying that Territory, not in favor of the white people or the black people, but a declaration in our treaty, made at the time we acquired the Territory, that those people were entitled to be admitted into the American Union as a State, with a Mexican population.

I have not heard it stated here, nor do I expect to hear it stated, that those Mexicans are in any worse condition for admission into the Union now than they were at the time that the treaty of Guadalupe Hidalgo was ratified. I do not hear it stated, and I do not expect to hear it stated, or to hear the attempt made to make the statement, that in two years to come or five years to come or ten years to come the condition of the Mexican population will be so far bettered by contact with our ideas and system of civilization and our language as that they will then be entitled to admission into the Union.

The Senator from Missouri [Mr. VEST] has shown a decided vote on the part of both Houses of Congress some years ago, in which they declared by majorities approximating two-thirds of each House that the



Mexicans were then entitled to admission into the American Union—that is, that their social condition, their political condition, their advancement in intelligence and in the arts of civilization, were at that time sufficient to justify and require the execution of this provision of the treaty of Guadalupe Hidalgo.

Now, the Mexican citizens of the United States, made such by remaining in this Territory after the adoption of that article, have a just cause of grievance against the Congress of the United States.

When they claim to come in and have the numbers equivalent to those in other Territories, and the facilities of commercial operations and of agricultural development equal to those, they have a just and reasonable cause of grievance against this Government; which cause of grievance is concentrated in the fact that we in excluding them violate a positive agreement made with them by treaty when they came into this country. They had the option under this treaty of Guadalupe Hidalgo in articles preceding the one I have just read—Article VIII and other articles—to remain in the United States, assuming citizenship here, or to return to Mexico. They chose to remain in the United States in that part of the territory that we acquired, and they remained under the guaranty of this article which I have just read.

The Mexican Government finding that we had made a suppression of a part of Article IX as it was originally prepared, agreed with us upon a protocol, which was an explanation of that, in which it is said:

First. The American Government by suppressing the ninth article of the treaty of Guadalupe Hidalgo and substituting the third article of the treaty of Louisiana, did not intend to diminish in any way what was agreed upon by the said Article IX in favor of the inhabitants of the territories ceded by Mexico.

There was a solemn and positive reiteration of the engagement that we had made originally with Mexico, into which engagement we had interpolated with their consent the third article of the treaty of cession of Louisiana, an article under which the State of Louisiana had the right to be admitted into the Union and was admitted into the Union.

Now, Mr. President, we hear it stated to-day in terms not exactly open and full and free, but still unmistakable, that the reason why New Mexico was not included in this bill was the condition of her population. It is said that they do not have American schools there and that the English language is not taught in their schools. These are the objections, and all that I have heard against the incorporation of the Mexicans, who are mentioned in this treaty as being entitled to statehood, in this bill admitting new States into the American Union.

That presents sharply and without any possibility of misunderstanding the proposition that the Mexicans are excluded from this bill because they are Mexicans; and yet here is the guaranty in the ninth article of the treaty of Guadalupe Hidalgo, which says they shall come into the Union because they are Mexicans. Being Mexicans, and our country having acquired this area of territory with that population, we expressly stipulated with them as Mexicans, first, that they shall have the right of citizenship; next, that they shall be admitted as Mexicans into the American Union. I do think, sir, this is pressing the race question to a very singular extent, that we shall not only exclude them because they are Mexicans, but we shall do so in the face of the fact that we agreed when the treaty was made acquiring this territory that they should come in, being Mexicans and having been treated with in that very character and capacity.

I look hopelessly forward to the time when the Territory of New Mexico can come in, unless some Senator or some other person can point out a means by which we are to drive the Mexican population out of that Territory. They are there by our consent and agreement; they are there with these fixed treaty rights; they are there under the solemn pledge of the United States Government that they shall have statehood, and yet we are to allow this Territory to remain out of the Union, with quite enough population to make a State, until some future period of time when Congress shall give its consent or shall come to the belief that these people have so far reformed in their blood and race and in their language as that they can be admitted safely into the American Union.

If there had been an equal number of negroes in the Territory of New Mexico to displace that number of Mexicans, could we resist their coming in as an American State? Would we raise the race question upon negroes if they were there? Not by any means. We raise race questions on Chinese and race questions on Mexicans, but we never raise race questions on the negroes.

Mr. HOAR. Will the Senator allow me to ask him a question?

Mr. MORGAN. Yes, sir.

Mr. HOAR. I desire to ask that Senator if the question, shall negro majorities rule, is not a race question raised on the negro?

Mr. MORGAN. I did not hear the question.

Mr. HOAR. I asked that Senator if the question, shall negro majorities rule, be not a race question raised upon the negro?

Mr. MORGAN. Well, that may be. It happens to be, however, a question not raised by the Republicans. The Republicans raise race questions on Mexicans and race questions on Chinese, and it is not exactly logical perhaps not to raise a race question on the negroes. They differ from us quite as much as the Chinese. Why do you raise race questions here in this Senate upon this bill, and why do you violate

your treaty to do it, the solemn compact of your Government made with Mexicans, and then turn around and twist me with the question whether I would exclude negroes on race grounds?

It is easy enough to be charitable to one's own infirmities; it is easy enough to warm to your own sins and your own shortcomings. Thank God, there is still a scrutiny in the eye of impartial mankind to weigh the conduct and sentiments of men, not by what they think of themselves, but by what they are thought of in the light of justice and truth. If these Mexicans had had the misfortune to be Republicans they would have been in this bill, and this treaty would have stood up then for their admission into the American Union as a solemn guaranty which would have been obeyed on the other side of this Chamber. But happening to be Democrats, as the negroes are supposed and believed to be Republicans, the distinction of race disappears in one case and is made prominent and bold and powerful in the other, and that race distinction is made so prominent and so bold and so distinct that we violate our public pledges in this treaty in order to keep them out of the Union.

I stated that I should vote for this bill. I admit that injustice has been practiced in it. The situation is one of extreme injustice and one that I dislike very seriously indeed, but I conceive it to be my duty to vote for the admission of any Territory into the Union without reference to race, politics, or any other question concerned in it, when the lawful citizenship of that Territory is adequate to representation in the other House of Congress and when the development of that Territory has established the fact that the State, when admitted into the Union, can take care of itself, that its population is not likely to dwindle as some States of this Union have dwindled that we have admitted here, but is likely to be progressive and increasing. When such a State comes for admission into the American Union I will vote for it whenever it presents a constitution in conformity with the Constitution of the United States, that represents truly the right of local self-government in the organic law.

I am not to be prohibited from voting to admit a State in the Union because other Senators can find pretexts upon which to exclude a population that is entitled to come and have a Senator sit upon this floor. What they choose to do in keeping a State out is no argument for me in respect to my vote for the admission of a State. I vote for these four other Territories to come in as States because I am satisfied that each one of them is properly prepared in population and civil development for statehood. I should vote most cheerfully to execute the compact between ourselves and Mexico and these Mexican people and admit the Territory of New Mexico, but, under the doctrines which have been stated here to-day and the pretexts which have been resorted to to keep this Territory out of the Union, I do not foresee the day when New Mexico will become a State of the American Union.

Mr. HARRIS. I move that the Senate proceed to the consideration of executive business.

Mr. PLATT. May I appeal to the Senator to withdraw that motion?

Mr. HARRIS. If we can come to a vote without further debate I will withdraw the motion for that purpose.

Mr. PLATT. Let the vote be taken now.

The PRESIDENT *pro tempore*. Is the Senate ready for the question on concurring in the report of the committee of conference?

Mr. BROWN. I wish to say a single word before the vote is taken. I will not take two minutes.

This is an omnibus bill to admit four Republican States into the Union. The Territory of New Mexico, which would certainly make a Democratic State if admitted, is excluded, I think, for political considerations. I shall therefore vote against the report, because I think it is unfair and unjust.

The PRESIDENT *pro tempore*. The question is on concurring in the report of the committee of conference.

Mr. COCKRELL. I will not call for the yeas and nays; but I desire to state that I will vote against the adoption of the conference report and the passage of this bill.

The PRESIDENT *pro tempore*. The question is on concurring in the report.

The report was concurred in.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House insisted upon its amendments to the bill (S. 2511) to provide for the disposal of certain public lands of the United States under the provisions of the homestead laws only, agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. HOLMAN, Mr. PAYSON, and Mr. MCRAE the managers of the conference on the part of the House.

#### ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (S. 139) to credit and pay to the several States and Territories and the District of Columbia all moneys collected under the direct tax levied by act of Congress approved August 5, 1861; and it was thereupon signed by the President *pro tempore*.



## LORD SACKVILLE.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which was read, and referred to the Committee on Foreign Relations:

To the Senate and House of Representatives:

I transmit herewith a report of the Secretary of State, of this day's date, with accompanying correspondence touching the case of Lord Sackville.

GROVER CLEVELAND.

EXECUTIVE MANSION,  
Washington, February 20, 1889.

## EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate a letter from the Acting Secretary of the Treasury, transmitting a copy of a communication from the Secretary of War of this date submitting an estimate for an appropriation of \$500 for furnishing and maintaining the lodge at the Washington monument; which was referred to the Committee on Appropriations.

## REPORTS OF COMMITTEES.

Mr. SPOONER, from the Committee on Claims, to whom were referred the following bills, reported them severally without amendment:

- A bill (H. R. 2875) for the relief of Mrs. Louisa H. Hasell; and
- A bill (H. R. 3765) for the relief of James Devine.

He also, from the same committee, to whom was referred the bill (H. R. 11007) for the relief of the Catholic Church at Macon City, Mo., reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 5426) for the relief of St. Joseph Commercial College, of St. Joseph, Mo., reported it with an amendment.

## ADDITIONAL BILL INTRODUCED.

Mr. VEST introduced a bill (S. 3983) to enable the inhabitants of the town of Juneau, Alaska, to obtain title to the lots improved by them in said town; which was read twice by its title, and referred to the Committee on Public Lands.

## AMENDMENT TO DEFICIENCY BILL.

Mr. EVARTS submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

## PROPOSED EXECUTIVE SESSION.

Mr. HARRIS. I move that the Senate proceed to the consideration of executive business.

Mr. ALLISON. Pending that, I move that the Senate do now adjourn.

Mr. HARRIS. On which motion I demand the yeas and nays.

The PRESIDENT *pro tempore*. On the motion to adjourn the Senator from Tennessee asks that the yeas and nays may be entered on the Journal.

Mr. ALLISON. If the Senator desires for any special purpose an executive session at this hour I will not insist on my motion.

Mr. HARRIS. My purpose is purely general and not special.

Mr. ALLISON. Well, then, I must insist on my motion.

The PRESIDENT *pro tempore*. The Senator from Tennessee asks upon the question of adjournment that the yeas and nays may be entered on the Journal.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. COLQUITT (when his name was called). I am paired with the Senator from Rhode Island [Mr. CHACE].

Mr. FAULKNER (when his name was called). I am paired with the junior Senator from Pennsylvania [Mr. QUAY], or I should vote "nay."

Mr. SAWYER (when his name was called). I am paired with the Senator from Delaware [Mr. SAULSBURY].

Mr. TELLER (when his name was called). I am paired with the senior Senator from Louisiana [Mr. GIBSON], but I transfer that pair to the Senator from Nevada [Mr. JONES], and I vote "yea."

The roll-call was concluded.

Mr. SPOONER (after having voted in the affirmative). I am paired generally with the Senator from Mississippi [Mr. WALTHALL]. He is absent from the Chamber and I inadvertently voted. I ask leave to withdraw my vote.

The PRESIDENT *pro tempore*. The Senator from Wisconsin withdraws his vote.

Mr. BUTLER (after having voted in the negative). I am generally paired with the Senator from Pennsylvania [Mr. CAMERON], and generally vote with him on this proposition and generally in the affirmative. I think perhaps I had better withdraw my vote.

The PRESIDENT *pro tempore*. The Senator from South Carolina withdraws his vote.

Mr. CULLOM (after having voted in the affirmative). I inquire if the junior Senator from Delaware [Mr. GRAY] has voted?

The PRESIDENT *pro tempore*. He is not recorded.

Mr. CULLOM. Then I suppose I ought to withdraw my vote, as I am paired with him.

The PRESIDENT *pro tempore*. The Senator from Illinois withdraws his vote.

Mr. HARRIS. I am requested to announce that the Senator from Kentucky [Mr. BLACKBURN] is paired with the Senator from Nebraska [Mr. MANDERSON].

Mr. TELLER. The Senator from New Jersey [Mr. McPHERSON] is paired with my colleague [Mr. BOWEN].

The result was announced—yeas 19, nays 11; as follows:

## YEAS—19.

Aldrich,  
Allison,  
Blair,  
Brown,  
Chandler,

Davis,  
Dolph,  
Evarts,  
Frye,  
Hale,

Hawley,  
Hearst,  
Hoar,  
Ingalls,  
Mitchell,

Morrill,  
Platt,  
Stewart,  
Teller.

## NAYS—11.

Bate,  
Call,  
Cockrell,

Coke,  
Daniel,  
Gorman,

Harris,  
Morgan,  
Ransom,

Reagan,  
Turpie.

## ABSENT—46.

Beck,  
Berry,  
Blackburn,  
Blodgett,  
Bowen,  
Butler,  
Cameron,  
Chace,  
Colquitt,  
Cullom,  
Dawes,  
Edmunds,

Eustis,  
Farwell,  
Faulkner,  
George,  
Gibson,  
Gray,  
Hampton,  
Hiscock,  
Jones of Arkansas,  
Jones of Nevada,  
Kenna,  
McPherson,

Manderson,  
Paddock,  
Palmer,  
Pasco,  
Payne,  
Plumb,  
Pugh,  
Quay,  
Riddleberger,  
Sabin,  
Saulsbury,  
Sawyer,

Sherman,  
Spooner,  
Stanford,  
Stockbridge,  
Vance,  
Vest,  
Voorhees,  
Walthall,  
Wilson of Iowa,  
Wilson of Md.

So the motion was agreed to; and (at 6 o'clock and 22 minutes p. m.) the Senate adjourned until to-morrow, Thursday, February 21, 1889, at 12 o'clock m.

## HOUSE OF REPRESENTATIVES.

WEDNESDAY, February 20, 1889.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of the proceedings of yesterday was read and approved.

## CORRECTION.

Mr. BARNES. Mr. Speaker, I rise to have a correction made in the RECORD and to make a brief statement in connection therewith. In the RECORD of Saturday last, containing the report of Friday's proceedings, I am recorded as having voted to instruct the committee of conference on the bill in relation to the admission of the Territories. The facts are that at that time I was absent from the city with leave, at my home in Georgia, and of course could not have voted. Had I been present I would have voted against that instruction and against all the other propositions instructing that committee. I was paired with the gentleman from Oregon [Mr. HERMANN] on all political questions, and I desire to state in his behalf that while he voted he did so inadvertently, not regarding the proposition voted upon as of a political character. Had he so regarded it he certainly would not have voted.

The SPEAKER. The correction will be made. The Chair will also cause the Journal to be examined, and, if there be no objection, any error found there will be corrected.

## ORDER OF BUSINESS.

Mr. CRISP. I rise to a question of privilege.

The SPEAKER. The gentleman will please withhold that until the Chair lays before the House certain bills, in compliance with the rule.

Mr. CASWELL. Mr. Speaker, I desire to call up the unfinished conference report that was under discussion yesterday.

The SPEAKER. Does the gentleman desire to call it up at this time?

Mr. CASWELL. Yes, sir.

Mr. HOOKER. I hope the gentleman from Wisconsin will withhold his motion so as to allow the Chair to lay the Senate bills before the House.

Mr. REED. No; let us have it now.

Mr. CASWELL. I can not yield.

Mr. HOOKER. The gentleman had better allow that to be done.

Mr. TAULBEE. Mr. Speaker, I ask the gentleman from Wisconsin to withhold his motion until I can make a report, which will occupy hardly any time.

Several MEMBERS. Regular order.

Mr. CRISP. Mr. Speaker, I call up the contested-election case of Sullivan vs. Felton.

## CONFERENCE REPORT ON DIRECT-TAX BILL.

The SPEAKER. The regular order is demanded. Under the rules of the House, the conference report, the Chair thinks, has precedence over all other business.

Mr. CRISP. Is it privileged over a contested-election case?

The SPEAKER. The Chair thinks it is under the rules. While the question of the right of a member to his seat is a question of the highest privilege under the Constitution, yet the Constitution itself provides that the House may make rules for the government of its own



proceedings, and the House has made rules under which a conference report is in order at all times except while the Journal is being read, while the yeas and nays are being taken, or while the House is dividing. This, the Chair thinks, gives it a higher privilege, and the only way to avoid it is to raise the question of consideration.

Mr. CRISP. Then I raise the question of consideration. I am willing to give way for the necessary appropriation bills, but for nothing else.

Mr. TOWNSHEND. I ask the gentleman from Wisconsin to allow reports to be presented.

The SPEAKER. That request has already been made and the gentleman has declined to do so. The question is, will the House now proceed to the consideration of the conference report on the bill known as the direct-tax bill?

Mr. CASWELL. Upon that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 135, nays 93, not voting 94; as follows:

## YEAS—135.

|                       |                 |              |                     |
|-----------------------|-----------------|--------------|---------------------|
| Adams,                | Dingley,        | Lehlbach,    | Russell, Conn.      |
| Allen, Mich.          | Dorsey,         | Lind,        | Rusk,               |
| Anderson, Iowa        | Dunham,         | Lodge,       | Ryan,               |
| Anderson, Kans.       | Elliott,        | Long,        | Sawyer,             |
| Atkinson,             | Farquhar,       | Mansur,      | Scull,              |
| Baker, Ill.           | Finley,         | Mason,       | Seney,              |
| Bayne,                | Flood,          | Matson,      | Seymour,            |
| Bingham,              | Fuller,         | McClammy,    | Shaw,               |
| Bland,                | Gallinger,      | McCormick,   | Sherman,            |
| Bliss,                | Gear,           | McKenna,     | Simmons,            |
| Boothman,             | Gest,           | McKinley,    | Spooner,            |
| Boud,                 | Grosvenor,      | Merriman,    | Stephenson,         |
| Boutelle,             | Grout,          | Milliken,    | Stewart, Vt.        |
| Bowden,               | Guenter,        | Moffitt,     | Struble,            |
| Brewer,               | Haugen,         | Morrill,     | Taulbee,            |
| Brower,               | Hayden,         | Nelson,      | Taylor, E. B., Ohio |
| Browne, T. H. B., Va. | Hemphill,       | Nichols,     | Taylor, J. D., Ohio |
| Browne, Ind.          | Henderson, Iowa | O'Donnell,   | Thomas, Ky.         |
| Brown, J. R., Va.     | Hermann,        | O'Ferrall,   | Thomas, Wis.        |
| Buchanan,             | Hiestand,       | O'Neill, Pa. | Thompson, Ohio      |
| Burrows,              | Hires,          | Osborne,     | Thompson, Cal.      |
| Butterworth,          | Hitt,           | Owen,        | Townshend,          |
| Caswell,              | Holman,         | Parker,      | Turner, Kans.       |
| Cheadle,              | Hopkins, Ill.   | Patton,      | Vandever,           |
| Clark,                | Hopkins, N. Y.  | Perkins,     | Warner,             |
| Compton,              | Hudd,           | Peters,      | Weber,              |
| Conger,               | Hunter,         | Phelps,      | West,               |
| Cooper,               | Jackson,        | Plumb,       | White, Ind.         |
| Crouse,               | Johnston, Ind.  | Posey,       | White, N. Y.        |
| Cutcheon,             | Kean,           | Pugsley,     | Wickham,            |
| Darlington,           | Kelley,         | Reed,        | Wilkinson,          |
| Davis,                | Kennedy,        | Rice,        | Wise,               |
| De Lano,              | Laidlaw,        | Romeis,      | Yardley.            |
| Dibble,               | Latham,         | Rowell,      |                     |

## NAYS—93.

|                          |                 |               |                |
|--------------------------|-----------------|---------------|----------------|
| Abbott,                  | Dargan,         | Lawler,       | Rowland,       |
| Anderson, Miss.          | Davidson, Ala.  | Lynch,        | Russell, Mass. |
| Anderson, Ill.           | Davidson, Fla.  | Maish,        | Sayers,        |
| Bacon,                   | Dockery,        | Martin,       | Scott,         |
| Bankhead,                | Dunn,           | McAdoo,       | Smith,         |
| Barnes,                  | Enloe,          | McCreary,     | Spinola,       |
| Blanchard,               | French,         | McKinney,     | Stewart, Tex.  |
| Blount,                  | Glass,          | McMillin,     | Stewart, Ga.   |
| Breckinridge, Ark.       | Glover,         | McRae,        | Stockdale,     |
| Breckinridge, Ky.        | Grimes,         | Mills,        | Stone, Ky.     |
| Campbell, F. N. Y. Hall, | Montgomery,     | Stone, Mo.    | Tarnsey,       |
| Campbell, T. J., N. Y.   | Hatch,          | Moore,        | Tillman,       |
| Candler,                 | Hayes,          | Morgan,       | Tracey,        |
| Caruth,                  | Hooker,         | Morse,        | Turner, Ga.    |
| Catchings,               | Hopkins, Va.    | Norwood,      | Vance,         |
| Chipman,                 | Howard,         | Oates,        | Walker,        |
| Clardy,                  | Hutton,         | O'Neill, Ind. | Weaver,        |
| Clements,                | Johnston, N. C. | Outhwaite,    | Wheeler,       |
| Cobb,                    | Jones,          | Peel,         | Whiting, Mich. |
| Cothran,                 | Kilgore,        | Pennington,   | Wilson, Minn.  |
| Cowles,                  | Lagan,          | Pidecock,     |                |
| Cox,                     | Landes,         | Rayner,       |                |
| Crisp,                   | Lane,           | Richardson,   |                |
| Cummings,                | Lanham,         | Rogers,       |                |

## NOT VOTING—94.

|                |                  |              |                |
|----------------|------------------|--------------|----------------|
| Allen, Mass.   | Dalzell,         | Holmes,      | Randall,       |
| Allen, Miss.   | Davenport,       | Houk,        | Robertson,     |
| Arnold,        | Dougherty,       | Kerr,        | Rockwell,      |
| Baker, N. Y.   | Ermentrout,      | Ketcham,     | Shively,       |
| Barry,         | Felton,          | Laffoon,     | Snyder,        |
| Beiden,        | Fisher,          | La Follette, | Sowden,        |
| Biggs,         | Fitch,           | Laird,       | Springer,      |
| Bowen,         | Foran,           | Lee,         | Stahlnecker,   |
| Brown, Ohio    | Ford,            | Lyman,       | Steele,        |
| Brumm,         | Forney,          | Macdonald,   | Symes,         |
| Bryce,         | Funston,         | Maffett,     | Thomas, Ill.   |
| Buckalew,      | Gaines,          | Mahoney,     | Wade,          |
| Bunnell,       | Gay,             | McComas,     | Washington,    |
| Burnett,       | Gibson,          | McCulloch,   | Whiting, Mass. |
| Butler,        | Goff,            | McShane,     | Whitthorne,    |
| Bynum,         | Granger,         | Morrow,      | Wilber,        |
| Campbell, Ohio | Greenman,        | Neal,        | Wilkins,       |
| Cannon,        | Hare,            | Newton,      | Williams,      |
| Carlton,       | Harmer,          | Nutting,     | Wilson, W. Va. |
| Cockran,       | Heard,           | O'Neill, Mo. | Woodburn,      |
| Cogswell,      | Henderson, N. C. | Payson,      | Yoder,         |
| Collins,       | Henderson, Ill.  | Perry,       | Yost,          |
| Crain,         | Herbert,         | Phelan,      |                |
| Culbertson,    | Hogg,            | Post,        |                |

So the House determined to consider the conference report.

Mr. CANNON (after the Clerk had concluded the second roll-call). Mr. Speaker, I desire to vote.

The SPEAKER. Was the gentleman in the House when his name was called?

Mr. CANNON. I was absent on a conference committee until after my name was called on the second roll-call.

The SPEAKER. The Chair thinks that under the practice the gentleman can not vote. He can state how he would have voted.

Mr. CANNON. I will submit to the Chair, if the Chair will allow me—

The SPEAKER. The House will come to order. The Chair desires to hear what the gentleman from Illinois has to say.

Mr. CANNON. As the letter of the rule has very properly been relaxed so as to permit a member to vote after the conclusion of the roll-call if he was in the Hall when his name was called, is it not equally proper that the literal terms of the rule should be relaxed so as to permit a member to vote who was absent on a conference committee, practically by order of the House, attending to the business of the House?

Mr. HOOKER. I can not hear what the gentleman says.

The SPEAKER. The Chair has appealed to gentlemen on the floor to preserve order so that the gentleman from Illinois may be heard.

Mr. CANNON. I will state my point again by way of inquiry of the Chair. As the rule has been so far relaxed as to permit a member to vote after the conclusion of the roll-call, provided he was in the Hall when his name was called, should not the rule with equal propriety be further relaxed so as to permit a member to vote who, when his name was called, was absent attending to his duty as a member of a conference committee, practically by order of the House? In this case is there not equal reason for a relaxation of the terms of the rule?

The SPEAKER. The Chair does not really see that there is any difference between the two cases. According to the letter of the rule no member can vote, nor can the Speaker entertain a request for unanimous consent that the member be allowed to vote, after the completion of the second roll-call; but inasmuch as there is at all times more or less noise on the floor and it frequently happens that a gentleman fails to hear his name called or the Clerk fails to hear his response, it was thought to be manifestly unjust that a member should be deprived of his vote under such circumstances. Now, if the House sees proper to permit a still further relaxation of the terms of the rule and decides that a member absent on a conference committee can vote after the conclusion of the second roll-call, of course—

Mr. HOOKER. Then we shall have members voting who were absent on any account, so that we might as well do away with the rule altogether.

Mr. CANNON. Not at all; the cases do not run together.

The SPEAKER. The Chair thinks that the gentleman's vote on this roll-call is not necessary as affecting the result; and inasmuch as it might lead to a very great inconvenience if there should be a still further relaxation of the rule, the Chair thinks the gentleman had better content himself with stating how he would have voted.

Several MEMBERS (to Mr. CANNON). How would you vote?

Mr. CANNON. I do not care about that; I am ready to vote.

[Laughter.]

Mr. MASON. I desire to ask that my colleague from Illinois, Mr. PAYSON, be excused on account of sickness.

There being no objection, Mr. PAYSON was excused.

The SPEAKER. The gentleman from California [Mr. MORROW] asks to be excused on account of important business, and the gentleman from Louisiana [Mr. NEWTON] on account of sickness. Is there objection? The Chair hears none, and these gentlemen are excused.

Mr. GAINES. I desire to vote.

The SPEAKER. Was the gentleman in the Hall when his name was called?

Mr. GAINES. I was not.

The SPEAKER. The Chair can not entertain the gentleman's request.

Mr. ANDERSON, of Kansas. I ask unanimous consent that the gentleman from Maryland [Mr. McCOMAS] be excused indefinitely, on account of sickness.

There being no objection, Mr. McCOMAS was excused.

Mr. TAULBEE. I ask unanimous consent to dispense with the reading of the names.

Mr. WHEELER. I object.

The Clerk recapitulated the names.

The following members were announced as paired until further notice:

Mr. GREENMAN with Mr. NUTTING.

Mr. ERMENTROUT with Mr. BUNNELL.

Mr. BIGGS with Mr. MORROW.

Mr. BURNETT with Mr. GOFF.

Mr. FORD with Mr. GUENTHER.

Mr. BARRY with Mr. YOST.

Mr. PHELAN with Mr. BUTLER.

Mr. WHITTHORNE with Mr. LYMAN.

Mr. McSHANE with Mr. LAIRD.

Mr. SNYDER with Mr. BOWEN.

Mr. NEAL with Mr. HOUK.



Mr. COLLINS with Mr. ALLEN, of Massachusetts.  
Mr. GROSVENOR with Mr. CAMPBELL, of Ohio.  
Mr. GROSVENOR. While I am paired generally with my colleague from Ohio [Mr. CAMPBELL], I desire to state that if he were present I understand he would vote on this question as I do; and therefore I have voted "ay."

For this day:

Mr. BRYCE with Mr. KETCHAM.

Mr. STAHLNECKER with Mr. BAKER, of New York.

Mr. LEE with Mr. DALZELL.

Mr. HERBERT with Mr. HARMER.

Mr. WILKINS with Mr. MCCOMAS.

Mr. NEWTON with Mr. BELDEN.

On this vote:

Mr. SOWDEN with Mr. WADE.

Mr. O'NEILL, of Missouri, with Mr. HENDERSON, of Illinois.

Mr. FORNEY with Mr. FITCH.

Mr. RANDALL with Mr. WILLIAMS.

Mr. BLAND (having voted in the negative) changed his vote immediately before the announcement of the result from "no" to "ay." The vote was announced as above stated.

Mr. BLAND. I move to reconsider the vote just taken.

Mr. KELLEY. I move to lay the motion to reconsider on the table.

Mr. TAULBEE. Mr. Speaker, I understand the objection will be withdrawn to the request I made a moment ago to submit this report, and I now ask unanimous consent—

Mr. DIBBLE. Regular order.

Mr. TAULBEE. This is simply a report to be submitted for printing; it will lead to no discussion.

Mr. CASWELL. I understand that this is simply to make an order to print the report, and individually I have no objection.

The SPEAKER. But the regular order has been demanded by the gentleman from South Carolina.

Mr. DIBBLE. Is it in order to move to reconsider a motion on reconsideration?

The SPEAKER. The Chair thinks so.

The question is on the motion to lay the motion to reconsider on the table.

The question was taken; and on a division there were—ayes 90, noes 20.

Mr. BLAND. No quorum.

Mr. CASWELL. I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 160, nays 76, not voting 86; as follows:

## YEAS—160.

|                      |                 |              |                    |
|----------------------|-----------------|--------------|--------------------|
| Adams,               | Davis,          | La Follette, | Romeis,            |
| Allen, Mich.         | De Lano,        | Laidlaw,     | Rowell,            |
| Anderson, Iowa       | Dibble,         | Latham,      | Rowland,           |
| Anderson, Miss.      | Dingley,        | Lehlbach,    | Russell, Conn.     |
| Anderson, Kans.      | Dorsey,         | Lind,        | Rusk,              |
| Atkinson,            | Dunham,         | Lodge,       | Ryan,              |
| Baker, N. Y.         | Farquhar,       | Long,        | Sawyer,            |
| Baker, Ill.          | Finley,         | Macdonald,   | Seul,              |
| Bayne,               | Fitch,          | Mansur,      | Seney,             |
| Bingham,             | Flood,          | Mason,       | Seymour,           |
| Boothman,            | Fuller,         | Matson,      | Sherman,           |
| Boud,                | Gaston,         | McClammy,    | Simmons,           |
| Boutelle,            | Gaines,         | McCormick,   | Sowden,            |
| Bowen,               | Gallinger,      | McKenna,     | Spooner,           |
| Brewer,              | Gear,           | McKinley,    | Steele,            |
| Brower,              | Gest,           | Merriman,    | Stephenson,        |
| Browne, T.H.B., Va.  | Grosvenor,      | Milliken,    | Stewart, Vt.       |
| Browne, Ind.         | Groat,          | Moffitt,     | Taylor, E.B., Ohio |
| Brown, Ohio          | Guenther,       | Morrill,     | Taylor, J.D., Ohio |
| Brown, J.R., Va.     | Haugen,         | Nelson,      | Thomas, Ky.        |
| Buchanan,            | Hayden,         | Nichols,     | Thomas, Ill.       |
| Burrows,             | Henderson, Iowa | Oates,       | Thomas, Wis.       |
| Butterworth,         | Henderson, Ill. | O'Donnell,   | Thompson, Ohio     |
| Campbell, F., N.Y.   | Hiestand,       | O'Ferrall,   | Thompson, Cal.     |
| Campbell, T.J., N.Y. | Hires,          | O'Neill, Pa. | Tillman,           |
| Cannon,              | Hitt,           | O'Neill, Mo. | Townshend,         |
| Caswell,             | Holman,         | Osborne,     | Turner, Kans.      |
| Cheadle,             | Holmes,         | Outhwaite,   | Vandever,          |
| Chipman,             | Hopkins, Ill.   | Owen,        | Warner,            |
| Clark,               | Hopkins, N.Y.   | Parker,      | Weber,             |
| Clegg,               | Hudd,           | Patton,      | West,              |
| Compton,             | Hunter,         | Peel,        | White, Ind.        |
| Conger,              | Hutton,         | Perkins,     | White, N. Y.       |
| Cooper,              | Johnston, Ind.  | Peters,      | Wickham,           |
| Crouse,              | Kean,           | Pidcock,     | Wilber,            |
| Cutcheon,            | Kelley,         | Plumb,       | Wilkinson,         |
| Dalzell,             | Kennedy,        | Possey,      | Wilson, Minn.      |
| Darlington,          | Kerr,           | Pugsley,     | Wise,              |
| Davenport,           | Ketcham,        | Reed,        | Woodburn,          |
|                      |                 | Rice,        | Yardley.           |

## NAYS—76.

|                    |            |                |                  |
|--------------------|------------|----------------|------------------|
| Allen, Miss.       | Candler,   | Cummings,      | Glover,          |
| Anderson, Ill.     | Caruth,    | Dargan,        | Grimes,          |
| Bacon,             | Catchings, | Davidson, Ala. | Hall,            |
| Barnes,            | Clardy,    | Davidson, Fla. | Hare,            |
| Blanchard,         | Clements,  | Dockery,       | Hatch,           |
| Bland,             | Cobb,      | Dunn,          | Hayes,           |
| Breckinridge, Ark. | Cothran,   | Foran,         | Henderson, N. C. |
| Breckinridge, Ky.  | Cowles,    | Forney,        | Hooker,          |
| Buckalew,          | Cox,       | French,        | Hopkins, Va.     |
| Bynum,             | Crisp,     | Glass,         | Howard,          |

|                 |             |                |                |
|-----------------|-------------|----------------|----------------|
| Johnston, N. C. | McKinney,   | Rayner,        | Stone, Ky.     |
| Jones,          | McMillin,   | Rogers,        | Stone, Mo.     |
| Laffoon,        | McRae,      | Russell, Mass. | Tarsney,       |
| Lagan,          | Mills,      | Sayers,        | Taulbee,       |
| Lanham,         | Montgomery, | Scott,         | Turner, Ga.    |
| Lawler,         | Moore,      | Shively,       | Vance,         |
| Lynch,          | Morgan,     | Stewart, Tex.  | Walker,        |
| Maish,          | Norwood,    | Stewart, Ga.   | Wheeler,       |
| Martin,         | Pennington, | Stockdale,     | Wilson, W. Va. |

## NOT VOTING—85.

|                |             |               |                |
|----------------|-------------|---------------|----------------|
| Abbott,        | Enloe,      | Lyman,        | Rockwell,      |
| Allen, Mass.   | Ermentrout, | Maffett,      | Shaw,          |
| Arnold,        | Felton,     | Mahoney,      | Smith,         |
| Bankhead,      | Fisher,     | McAdoo,       | Snyder,        |
| Barry,         | Ford,       | McComas,      | Spinola,       |
| Belden,        | Gay,        | McCreary,     | Springer,      |
| Biggs,         | Gibson,     | McCulloch,    | Stahlnecker,   |
| Bliss,         | Goff,       | McShane,      | Struble,       |
| Blount,        | Granger,    | Morrow,       | Symes,         |
| Brumm,         | Greenman,   | Morse,        | Tracey,        |
| Bryce,         | Harmer,     | Neal,         | Wade,          |
| Bunnell,       | Heard,      | Newton,       | Washington,    |
| Burnett,       | Hemphill,   | Nutting,      | Weaver,        |
| Butler,        | Herbert,    | O'Neill, Ind. | Whiting, Mich. |
| Campbell, Ohio | Hogg,       | Payson,       | Whiting, Mass. |
| Carlton,       | Houk,       | Perry,        | Whitthorne,    |
| Cockran,       | Jackson,    | Phelan,       | Wilkins,       |
| Collins,       | Kilgore,    | Phelps,       | Williams,      |
| Crain,         | Laird,      | Post,         | Yoder,         |
| Cuthbertson,   | Landes,     | Randall,      | Yost.          |
| Dougherty,     | Lane,       | Richardson,   |                |
| Elliott,       | Lee,        | Robertson,    |                |

So the motion to reconsider was laid upon the table.

On motion of Mr. CASWELL, by unanimous consent, the reading of the names was dispensed with.

Mr. ENLOE. Mr. Speaker, I would like to record my vote on this question.

The SPEAKER. The Chair can not entertain the request of the gentleman if he was not immediately in the Hall when his name was called.

Mr. ENLOE. I was temporarily absent.

The following additional pair was announced:

Mr. RANDALL with Mr. WILLIAMS, on this vote.

The vote was then announced as above recorded.

Mr. CASWELL. I now demand the previous question on the adoption of the report, as I presume there is no disposition to debate it.

Mr. OATES. I think the gentleman had better not demand the previous question at this time.

Mr. CASWELL. Very well, I am perfectly content if the gentleman desires to be heard. How much time does the gentleman want?

Mr. OATES. I will take the floor in my own right if the Chair will recognize me and the gentleman does not wish to occupy it at present.

Mr. CASWELL. I reserve my time, and as the gentleman from Alabama desires to be recognized in his own right I presume he will be permitted to occupy the floor for an hour.

The SPEAKER. The Chair recognizes the gentleman from Alabama.

Mr. OATES. I yield ten minutes to the gentleman from Georgia [Mr. STEWART].

Mr. STEWART, of Georgia. Mr. Speaker, I am not presumptuous enough to believe that the mind of any member of this House can be changed to vote against this measure by anything I may say at this time, and I would not feel inclined to trespass upon the attention of the House at all had I not discovered this morning that the gentleman from Ohio [Mr. GROSVENOR] had published in the RECORD a speech made upon this bill when it was under consideration in the House at a previous day. I had claimed the attention of the House at that time, and had submitted some remarks upon the constitutional question involved in the bill, to which the gentleman from Ohio replied. He then sought to attribute to me and charge against the section of the country that I have the honor in part to represent views which neither I nor they entertained, and do not now entertain; and I hardly can conceive of anything more unfair in honorable debate than for one member to attribute to his adversary a feigned issue and then reply to it.

Mr. ROGERS. In a written speech.

Mr. STEWART, of Georgia. Now, Mr. Speaker, this speech has been withheld from publication until yesterday. I have no comment to make upon that, as the gentleman seems to have printed three speeches on yesterday, as if not being satisfied with firing with a double-barrel he was firing in platoons. I desire only to say that when I addressed the House before on this question I did not, by word or sentiment or sentence, endeavor, in the slightest degree, to produce any irritation between the sections. I now protest most solemnly against the issue the gentleman has sought to raise and charge against me, for I here declare that I know it to be a truth that the South favors fraternity of feeling, desires more good feeling and less acrimony. But I want to say to the gentleman, that when he arraigns me with so much seeming emphasis, never again while I have the honor, as he says, to represent a part of the Southern country should I raise it, or raise the sectional issue, I reply I did not raise and do not desire to raise it; but I want to warn him, standing here to-day and desiring fraternity of feeling, that he may understand the South is here to observe all constitutional requirements, to obey the law, and, if need be, to defend the flag.



I want to say, and I say it with measured words, that under the threat made by the gentleman from the South is not here, thank God, to make apologies. I hope that the gentleman may realize that his threat is impotent, and feel that we are here to observe our oaths of office, and that he can not warn us to keep silent, nor can he warn us to observe rules that he may dictate. We will be answerable alone to our God and our consciences and the oaths we have taken, although he may feel that he can raise his arm and say to members on this floor that their conduct is dishonorable, and that they seek to raise an issue that once unhappily divided this country. Now, I say as a Southern man I do not desire it; I did not raise it; and when the gentleman says, "I will warn the gentleman from Georgia never again to introduce while he has the honor to be a member of Congress upon this floor this question," I did not introduce it, nor am I to be deterred from what I believe is right through word or sentence or warning from the gentleman from Ohio. And I again protest, influenced by a proper feeling and sentiment of fraternity, that brotherly love, good-will, and united effort may measure our conduct hereafter. Still I protest, and tell the gentleman that these warnings will not frighten members upon this floor. I want him to understand that we are not here under a threat, as suppliants on our knees, thank God; nor can the gentleman become the accuser, the court, and jury to try us. All we have done in the past has gone into history, and we have the consciousness of knowing that we can leave our conduct to the unbiased judgment of mankind, notwithstanding the threat of the gentleman that we are never to raise any question of this kind. I simply desire to emphasize and in measured words to say here that I protest against it. But let the gentleman learn that neither by entreaty nor by threat can he bring that section to which he points rather with the finger of scorn as suppliants upon their knees. We have no apologies to make, but leave our conduct to the unbiased judgment of a grateful people.

Mr. OATES. I yield five minutes to the gentleman from Missouri [Mr. BLAND].

Mr. BLAND. I object to this bill, first, because I believe we have no legitimate authority under a proper construction of the Constitution to pass it. But waiving that point, Mr. Speaker, there are many other reasons why I consider it an obnoxious bill, notwithstanding the fact that the State I have the honor in part to represent will be a beneficiary to over \$600,000 of this money; yet, sir, I am not unmindful of the fact that in order to refund again this tax the people of my Commonwealth will be called upon under the present onerous system of tariff taxation, not only to pay the \$600,000 back to the Federal Government, but four or five times that amount into the pockets of tariff monopolists. Whatever may be said, Mr. Speaker, in regard to the mode of collecting this tax, it was at least a tax upon the wealth of the country, and paid upon property and in proportion to wealth.

Without going into a discussion of the question as to whether a direct tax would be a more just tax than a tariff tax, even, laid for revenue purposes only, yet sir, when it is conceded in our present condition that we will not be permitted to have tariff taxation for revenue purposes, or revenue purposes only, and when funds derived from private parties and private corporations and monopolists of this country have been used unstintingly for the purpose of preventing honest taxation for revenue and revenue only, when in the coming Congress, as well as in the Senate of this Congress, Mr. Speaker, we are bound down by a rule of taxation that gives \$5 for private purposes and private aggrandizement where one goes into the Federal Treasury; inasmuch as this bill is intended to distribute and squander the money in the Treasury, in order to lay the foundation for the necessity for continuing this onerous, dishonest system, I want to enter my protest, not only against the principle of the bill under the Constitution, but the policy that has dictated it in both Houses of Congress.

Mr. Speaker, we have a bonded debt of over \$700,000,000, and I would prefer this money to be appropriated in the extinguishment of that debt instead of reappropriating it to the States in order to make the necessity for higher tariff or higher taxation in order to bring it back into the Federal Treasury again. I do not know in the history of our country when a proposition was ever made for the distribution of the surplus in the Treasury when we had a national debt on which it could be paid with advantage.

The time is fast approaching, Mr. Speaker, when the 4½ per cent. bonds will be due, and even at the rate of purchase to-day of the 4½ and 4 per cent. bonds it would be better financial policy in the Government to pay off these bonds than to distribute this money among the States; for sooner or later, in order to pay this public debt, this tax must be re-collected. This bill distributes over \$17,000,000, of which Missouri gets only about \$600,000. Of this sum of \$17,000,000 we get nothing compared to the burden that will be imposed upon us by a protective tariff in order to get the money back into the Treasury again, as we will be compelled to do. The bill is a fraud upon the people of my State. In the short space of five minutes I have not the time to go into all these questions, and I have simply sought this occasion to present in an imperfect manner my objections to the passage of this bill.

Mr. OATES. I reserve the balance of my time.

Mr. CASWELL. I will yield five minutes to the gentleman from Ohio [Mr. GROSVENOR].

Mr. GROSVENOR. I do not desire to consume any of the valuable time of this Congress in replying to an attack, or a criticism, or a review, or whatever the language of the gentleman from Georgia [Mr. STEWART] may necessarily carry or by fair construction imply. In the remarks which I had the honor to make on a former occasion I answered as well as I could, in a friendly spirit, in parliamentary language and conciliatory language what I understood to be the drift of the gentleman's argument. I confess that I had not read that argument, and I confess that there is extreme peril in attempting to catch the drift of an argument sometimes, even though you do hear it and do read it. If I misinterpreted the argument of the gentleman from Georgia, why, it is enough to say that I stated in my remarks that if he did not mean what I understood him to mean then my criticism did not apply.

As to the alleged "offensive language" I have this to say: On that occasion I used these words:

I warn the gentleman from Georgia never again to introduce it—meaning what I understood to be an appeal to the sectional view of the question made in the language which I understood the gentleman to have used, in which he had spoken of "desolated homes," "desolated houses," and "desolated farms" in the South. I suggested to him, in a spirit of meekness and conciliation, that it was not wise for his side of the question to introduce that as an argument here. My warning was not in the form of a threat, and the gentleman from Georgia knew it then and he knows it now. There is no threat involved in the use of language of a strictly parliamentary character appealing to the other side not to use or not to introduce an argument by which the speaker thinks his side will not be influenced.

Mr. STEWART, of Georgia. Will the gentleman permit a question?

Mr. GROSVENOR. Certainly, sir.

Mr. STEWART, of Georgia. I was in the Senate when the gentleman delivered his speech and did not know of it until my attention was called to it; but I wish to ask him whether he was not notified, while he was delivering his speech, by a friend on his left at the time, that my speech was there in print before him.

Mr. GROSVENOR. I suppose that is true, sir, and I suppose I ought to have stopped in the midst of my speech and sat down and read the speech of the gentleman from Georgia; but really I did not understand that its importance was of such magnitude that I was called upon to do that, and I humbly apologize to him for not having read his speech either then or on any subsequent occasion.

Mr. STEWART, of Georgia. I am very much obliged to you.

Mr. GROSVENOR. I did not hear what the gentleman said across the aisle, but I understand from others that it was to the effect that I had tried to threaten him. Why, there is nothing in my language to justify any such suggestion.

Mr. STEWART, of Georgia. I desire to correct the gentleman as to that. I suppose he does not wish to misrepresent me. I said that notwithstanding this seeming threat I wanted it understood that the South meant fraternity of feeling and good-will to all.

Mr. GROSVENOR. If the gentleman can use any stronger or better language in favor of harmony and good feeling than I used in the speech which he criticises, he will have to improve in the use of the English language, in my judgment. This is what I said on that occasion:

Mr. Chairman, underlying this proposition is the great fact that the passage of this bill, its enactment into law, the payment of this money under it would put the people of this country just where equity would say they ought to stand, except the account on the side of the States that had paid the money and who received no interest upon it; and secondly, the grand results that have accrued to the country, and which we share in common with the people of the whole country.

It is a step toward a complete and just reunion of the hearts of the people of the country; not a reunion forced by law nor controlled by legislative enactment, but controlled and promoted by the wish and purpose of both sides of the country to do equal and exact justice toward each other. [Applause.] [Here the hammer fell.]

Mr. Speaker, it seems to me that I am not open to a lecture upon the subject of conciliation by the gentleman from Georgia. He can use no stronger language than I used there to convey the idea that I was contending against the introduction of a sectional issue into this discussion; and now, having thus disclaimed all purpose of using any language that could be construed as a threat towards the gentleman from Georgia or anybody else, I expect the gentleman to say that upon that point at least he is entirely satisfied with my position. I have never introduced sectionalism into any debate in this House. I have never, under any circumstances, in the discussion of a question of this character, which I set out by saying was purely a question of dollars and cents and ought not to be discussed from a sectional standpoint—I have never attempted to array sectional feeling upon this side of the House against the other side and I never will, and the gentleman from Georgia, by the use of heated language, can never drive me from a position which I have deliberately taken and which I will persistently adhere to. [Cries of "Vote!" "Vote!"]

Mr. OATES. Mr. Speaker, I declined to sign this conference report



for reasons which, if not already apparent to every member of this House, I hope to make so in the brief time that I shall occupy the floor. In the first place, it will be seen that the \$850,000 which was put upon the bill by an amendment in this House for compensation to people in certain districts of South Carolina for property sold by the tax-commissioners, having been non-concurred in by the Senate, this report further amends that provision by reducing one-half the valuation placed upon the lots in the town of Beaufort by the United States assessor, and also the valuation of the improved lands, thereby reducing the amount of the compensation about \$400,000; and an appropriation is recommended by the conferees of \$500,000, "or so much thereof as may be necessary," for the payment of these claims, and to which the only objection is as to the sufficiency of the allowance, but if the South Carolina delegation are satisfied with this amendment, I am.

There is also another amendment proposed by the conferees which is a new feature in this bill, the provision that in all cases where lands in the States were sold in the process of the collection of this tax and bought by the United States and resold for a profit over and above the tax, penalties, interest, and costs, the United States shall refund or pay over to those whose property was thus sold all that they sold for over and above the assessment. I do not understand that the conferees had or that any one here has accurate information as to the amount that this provision will cover.

There is a case in one State where, as stated by one of the conferees, the Senator from Tennessee [Mr. HARRIS], there was a considerable quantity of land sold in one or two counties; but the amount that will be taken out of the Treasury to meet this provision is not stated, as I understand, in the conference report, and I have no information as to what it will amount to.

Now, so far as the report of the conferees is concerned, I do not know that there are any very serious objections to it, if this bill is to pass. The real ground upon which I refused to sign the report is my steady and unvarying opposition to this bill from its very inception up to the present time. Some gentlemen may think it is not quite in order to refer to or discuss the merits of the bill on this conference report, which is an attempt to reconcile the disagreeing votes of the two Houses on the various amendments. But, sir, it is pertinent to discuss the merits of the bill here, because if this report were rejected it would work the defeat of the bill. But as I have heretofore made known my views and have submitted arguments in opposition to this bill, I will now consume only so much time as I may deem necessary to meet some points made in argument in the Senate yesterday, which I do not desire to go unchallenged.

The senior Senator from my own State, as appears from the RECORD of this morning, took the position that this bill would be unconstitutional, as was asserted by the Senator from Missouri [Mr. VEST], unless this was a debt—

Mr. JOSEPH D. TAYLOR. I make the point of order that it is not in order, but is a breach of parliamentary decorum, for the gentleman to refer to and discuss what took place in the Senate yesterday.

Mr. OATES. I have a right to discuss anything that I find in the CONGRESSIONAL RECORD, in respectful terms, as I propose to do.

Mr. JOSEPH D. TAYLOR. I insist on my point of order.

Mr. OATES. This is a constitutional question, and I presume I have a right to refer to the argument which any gentleman either in this House or in the Senate has submitted upon the question, when I do so in a perfectly respectful manner, as I propose to do. The relations existing between me and the Senator referred to [Mr. MORGAN] are of the friendliest character, and I am sure he would not make the slightest objection to what I intend to say.

The SPEAKER *pro tempore* (Mr. SPRINGER). The Clerk will read an extract from Jefferson's Manual.

The Clerk read as follows:

It is a breach of order in debate to notice what has been said on the same subject in the other House or the particular votes or majorities on it there, because the opinion of each House should be left to its own independency, not to be influenced by the proceedings of the other; and the quoting them might beget reflections leading to a misunderstanding between the two Houses.

The SPEAKER *pro tempore*. The gentleman from Alabama [Mr. OATES] will proceed in order.

Mr. OATES. I do not think the Senator referred to will be under any special obligations to the gentleman from Ohio for his guardianship. I find it asserted by the advocates of this measure that its constitutionality is sustainable upon the ground that the money proposed by this bill to be paid is a debt against the United States. How can it be a debt? It is asserted that because it has been the practice of the Congress of the United States to assume and pay debts incurred by the States for the public defense—in the Indian wars and in the Revolutionary war, before we had any Constitution—that therefore this is to be regarded as a debt incurred by the States for the common defense, and hence Congress has the constitutional power to appropriate money for its payment.

Why, sir, it is the province and the duty of the Government of the United States to lay and collect taxes for the common defense; and wherever a State has expended money in the maintenance of its militia or otherwise for the common defense, that is an expenditure of money for the common defense, and it is an expenditure which ought

to be borne by the United States under our Constitution. To-day there are pending in Congress claims unadjusted in behalf of several States of this Union for expenditures that they made in the early days of the late war. No one has taken the position, and I presume no one would hold, that Congress has not the right and that it is not the duty of Congress, if these expenditures were properly made, to assume and pay them. There is an implied promise to do so. It belongs to the United States to provide for the common defense, and such expenditures are not obligations upon any State, and when a State makes such expenditures they are in the discharge of duty which rests primarily on the United States. That is a very different proposition from this. This direct tax is not State expenditure. By a law of Congress a tax was lawfully and constitutionally laid; and when collected and paid into the Treasury, every dollar of it belonged to the United States, as much as money that was collected by any other system of taxation. The assumption and reimbursement of States for proper expenditures for the common defense bears no analogy whatever to the case in hand.

Mr. DIBBLE. Will the gentleman permit a question?

Mr. OATES. Yes, sir; a question.

Mr. DIBBLE. Suppose we should pass a law repealing internal-revenue taxation. In such repealing enactments there has always been a provision for the repayment or rebate of the tax on property on hand in unbroken packages at the time the tax is released. Is such a provision in a law for the repeal of internal-revenue taxation constitutional?

Mr. OATES. That is not at all analogous to this case. If the Government of the United States has collected taxes from the citizen and then deprives him of the right for the exercise of which the tax was paid, it can, as a matter of course, and it ought to, refund the money when the privilege is denied him to continue that business. It would be robbery not to do it. That is not at all analogous to this case.

Why, sir, how can this be held to contain any of the elements of a contract or obligation? It has been held by the Supreme Court in this very volume (121 U. S. Reports) that where a tax is improperly laid in the exercise of a constitutional power, however oppressively or unequally that tax may operate, it is not, when taken from the citizen in that manner, recoverable by him in any court. It is just as in the case of money paid voluntarily under any other circumstances or in any case where money voluntarily paid can not be recovered back. If the individual resists he can make a question and it goes to the courts for adjudication. Not so here.

Now, in this case, can any citizen, on the ground that this direct-tax law is but partially executed or that of inequality of burden imposed by it, or on the ground that a part of this tax was not collected, institute a suit for and recover the part which he paid? I presume that no one who has any regard for his reputation as a lawyer will assert that. Suppose Congress simply passed an act giving to the Court of Claims jurisdiction without declaring any right, can any one who paid any part of the tax go into the court, institute a suit, and recover back the tax because some of it which was assessed against the property and citizens of some of the States was not collected? I presume that no lawyer will assert such a proposition. Suppose the United States circuit courts were invested with the jurisdiction in the exercise of their equity power to try such a claim upon the broadest and most comprehensive principles of equity, is there a judge in the United States who would so stultify himself as to grant relief to such a suitor? If so, he should be impeached for making such a disgraceful decision.

The fact that some of the States have not paid the assessment made against their citizens is harped upon, and the argument presented that the 5 per cent. fund and other funds coming to some of the States has been retained as set-offs; and one amendment, which is concurred in—the first, I believe, to the bill—provides for the refunding of any money retained by way of set-off. That in effect has nothing whatever to operate upon. There was a retention in several cases, and the exhibit attached to the report of the Committee on the Judiciary from the Treasury Department shows, for instance, the sum of \$18,500 of money going to Alabama, which is retained and credited upon her assessment. Now, I mention that, Mr. Speaker, to illustrate how that matter stands in respect to other States. A suit was instituted and decided, the case of Louisiana vs. The United States, and on which was also determined the case of the claims of Alabama and Mississippi, that the Government of the United States had no right and the Treasury Department could not retain any money due those States and credit it against the direct-tax assessment because those States never assumed it and as States did not owe it.

There are none of the elements of mutuality which would justify a set-off, and therefore the exhibit attached to the report of the majority of the Judiciary Committee from the Treasury Department is not a correct exhibit of the standing of the accounts against the States in that Department. Why, sir, in the first session of this Congress an appropriation was made upon the deficiency bill or the sundry civil, I forget which, and the money appropriated and paid to several States where the 2 and 3 per cent. fund had been retained; and these sums are shown in this exhibit as having been set off, which is not the true state of them.

The only other point I care to notice is this: It is insisted that this



bill is a most equitable measure, and that it ought to pass by way of an "evening up" of the burdens of the late war in the matter of taxes assessed and collected. Why, sir, should this particular matter be thus adjusted? Why take \$17,000,000 out of the Treasury and return it to the States, not to the people, but to the States or the people who paid it, because two and a half millions of the twenty millions assessment never has been collected? That is an important matter, say the advocates of this bill, which justifies its enactment. Why, sir, if you go into the business of equalizing burdens, why not ascertain and refund the amount paid by the citizens of the loyal States during the period of the war for the maintenance of the Union—all the expenses of the war, in the shape of internal-revenue, income, and all other taxes, none of which were paid by the people of the States then in rebellion, so called?

There is just as much equity in that as in this, and over against this I set the tax of sixty-eight millions on raw cotton, which was collected after the war closed, and as every one knows was paid nearly *in toto* by the people of the Southern States. Yet no one, as I understand, of the advocates of this bill favored an amendment which I offered when it was under consideration here to return the cotton tax, although there is a question as to the constitutional power of the Government to lay and collect it. Every one knows that it was brought before the Supreme Court of the United States, and eight judges sitting upon the bench were equally divided in opinion as to whether it was a constitutional tax or not. Yet no part of it is to be returned to the people who paid it, and this bill is to be passed because those same people from whom that cotton tax was collected failed to pay two and a half millions of the \$20,000,000 assessment, and it is insisted that equity requires that the seventeen and a half millions carried by this bill shall be taken from the Treasury, about one-third of which has been or will be collected from the people of the Southern States, and paid to the Northern States whose people paid it twenty-six years ago.

Why, sir, this is unprecedented in the whole history of our legislation. There is not a case on all fours with this. Nowhere is there a precedent to take money out of the Treasury of the United States to return a tax legally laid and collected—this, too, having been disposed of, used for a legitimate purpose, namely the maintenance of the war more than twenty-five years ago. It is a dangerous precedent. It is a declaration, sir, that there is no limit to the power of Congress in the matter of the appropriations of public money. It could not be placed anywhere else; and I am surprised that gentlemen who have spoken out and declared themselves in opposition to the Blair educational bill, because of the want of constitutional power to appropriate the seventy-nine millions proposed by that measure, should advocate this, and maintain that there is a constitutional power in Congress to pass it.

Why, sir, there is no consistency in such a course. The fact is, these two propositions are identical in respect to power. There is no warrant in the Constitution for either, and of the two the Blair bill is the least objectionable. The passage of this bill will establish a precedent for unlimited appropriations. And it is one, too, which will return to plague future Congresses for all time. I have no disposition, Mr. Speaker, to consume the time of the House unnecessarily. I have stated the grounds of my opposition to this bill on two occasions before. There is nothing before the House, there is nothing in the conference report to improve it or to commend it to the judgment of any one except, perhaps, a few gentlemen in localities where their constituencies may be benefited in the way of money. If the bill is to pass, the appropriations for that purpose, I maintain, ought to be carried in the bill and ought to be adopted as reported. I would be glad to defeat this bill *in toto*, and have done all I could to that end.

I now yield to the gentleman from Mississippi [Mr. HOOKER] such of the time remaining to me as he desires to occupy.

Mr. HOOKER. Mr. Speaker, the objection to this bill is of so grave a character that though I expressed myself fully when the bill was up before, I can not refrain from saying a word now upon the question of the power of the Congress of the United States to pass such a bill. The taxing power of the Government, Mr. Speaker, is one which ought always to be exercised clearly within the limits of constitutional power granted to the Congress of the United States to impose taxes, and any bill or measure which proposes to go outside of the grant of power to the Federal Congress to levy a tax is a dangerous precedent to set in this country.

When the first Government was formed after the war of the Revolution, denominated the Government of the Confederation, the question of giving to the Federal Government the power to levy taxes was resisted in that convention, and it was absolutely denied on the first forming of the Government adopted after the Revolutionary war. That war itself was fought because of unjust taxation attempted to be imposed by the mother country upon the colonies; and that convention, fresh from the conflict of the Revolution, in maintaining the doctrine that there should not be taxation without representation, were reluctant to grant to the Federal Government the power to levy taxes at all, and in that constitution first adopted absolutely refused to concede to the Federal Government the power of taxation at all, but reserved it to the respective States to raise the requisite quota for the maintenance of the

Government. Experience demonstrated in a short time that that method of raising taxation for the Federal Government was inadequate and could not be relied upon.

That led to the adoption of legislation in the Congress of the United States to create a commission to assemble at Annapolis, in the State of Maryland, to amend the old Articles of Confederation; and when that convention met, with Alexander Hamilton as one of its members, as one of its leading members, they applied to Congress to concede the power to frame a new constitution. Under that new constitution, in the convention of 1787, power was for the first time conceded to the Congress of the United States to levy taxes at all of any character whatever, and it was adopted with great gravity in that convention. Finally it was adopted, as it was supposed, with a limit upon the power of taxation. If the Constitution contains any limit upon the power of taxation whatever, it is expressed in the emphatic language of the judge of the Supreme Court—Chief-Justice Marshall—in delivering the opinion in the case of *McCulloch vs. The State of Maryland*, the leading case on this subject of the power of taxation, and in the language of the judge, "it may be used to destroy." Now, what was the language of the Constitution adopted under which this power was conceded to the Government? It is expressed, sir, in the eighth section of the first article of the Constitution of the country, and that provides that—

The Congress shall have power to lay and collect taxes, imposts, and excises.

For what purpose? Reading again from it:

To pay the debts, and provide for the common defense and general welfare of the United States. But all duties, imposts, and excises shall be uniform throughout the United States.

But the power there to levy a tax, either direct or indirect, is limited, Mr. Speaker, by the very terms of the instrument itself; it is limited to what? Limited to—

Lay taxes to pay the debts and to provide for the common defense and general welfare of the United States.

This is the limit. Is this bill to pay a debt of the United States? I deny it. Is it to provide for the general welfare of the United States? I deny it. Is it to provide for the common defense of the United States? I deny it. What is it, then? It is a bill outside of the power granted to Congress to levy taxes. It proposes now, a quarter of a century after the direct tax was laid and in great part collected, to take the money out of the Treasury and pay it back to the States or to the people who paid it.

Now, under the operation of that law of 1861 or 1862 what was done? Under a provision in the act the States were allowed to assume the payment, being allowed 15 per cent. for the collection. Under that provision of the law all the States, as I understand it, in the Union availed themselves of this privilege to assume the debt and pay to themselves the 15 per cent. for the collection, except the States of Tennessee, Delaware, and Mississippi. In my own State there was a considerable proportion of this money collected. It is to go now, under the provisions of this bill, to the parties who paid this money in the first instance, and if they can not be found it goes back to the State government and not to the individual who paid it. What power is there under the Federal Constitution to levy a tax for that purpose? It does not exist. It goes to the individuals if they can be found; but, sir, they will not be found.

In the State of Mississippi they could not be found; in the State of Tennessee I venture to assert they could not be found, nor in the other States that I have named. It will then be to take seventeen and a half million of dollars from the public Treasury and pay the money to States who paid it twenty-five years ago under a law conceded by all to be within the power of Congress to enact and to have been a constitutional law. If you pass this bill to "equalize taxation," as it is termed, and pay back to the States who paid this tax this seventeen and a half million dollars upon the ground that you are going to "equalize" the taxes imposed to carry on the war, then why can not the gentleman having this bill in charge introduce to-morrow a bill to pay back to the States who paid it the largest and the most formidable tax that was imposed by the war, the income tax, which also was not collected except in the loyal States?

If you can pass this bill there is nothing to prevent the gentleman having this bill in charge to introduce a bill, commending itself to the wisdom and the conscience and the judgment of the members of this House as much as this bill does, to repay to the loyal States every dollar of that income tax. And if you may do that, where is the limit? Where can you stop? At what point will you say that the power to equalize taxation ceases? And must not the result be to absolutely deplete the Treasury of the United States? Sir, I say that we ought to pause before we pass a bill of this sort and look for the power in the Constitution. It is not a bill to pay the public debt; it is not a bill to provide for the common defense; it is not a bill to provide for the common welfare. It is boldly and nakedly a proposition to put your hands into the Treasury and pay out this money, holding it in trust for a certain length of time.

If the power exists to do this in one case it exists to do it in all cases. And if such a power exists, then the power of taxation becomes unlimited, the power of the Federal Congress to appropriate money out of the common Treasury is without limit, and the limit imposed by the



Constitution is done away with. That is simply the effect and the object of this law, and to do what this bill proposes is to act in violation of the restrictions which the framers of the Constitution laid upon the legislative power of the Government to impose taxation. I undertake to assert, Mr. Speaker, that if this was a proposition to impose a tax upon the people of all the States—and I address this remark especially to my friends of the Chamber who are in favor of this bill—if this was a proposition to levy a tax directly to pay back this money, there would not be a baker's dozen of men on either side of this House who would have the courage to vote for it.

But, Mr. Speaker, it is a bill which finds its origin and the cause of its being presented here simply in the fact that there is a surplus in the Treasury of the United States. If there is, that surplus consists of money which has been paid by the people in the form of taxes imposed by the Government, and the iniquity of this measure loses none of its enormity by reason of the fact that there is money in the Treasury out of which this payment may be made. As I have already said, if this were a bald, naked proposition to levy a tax to pay this money now it would shock the common sense, it would shock the common honesty of every man in Congress to be asked to vote for such a measure. [Applause.]

When the enormity of this bill is pointed out, by asking why you do not begin your "equalization" by refunding the \$68,000,000 collected under the odious and unjust cotton tax, it is said by the gentleman from Wisconsin [Mr. CASWELL], making this conference report, that if it can be shown that the cotton tax differs in any way from the tax on tobacco he might support it.

Why, Mr. Speaker, the difference is so obvious that it scarcely need be stated. Cotton, from which the great bulk of the clothing of the world is made, is one of the prime necessities of life, as much so as wheat or corn or grain of any kind, which are "the staff of life," while tobacco is no such necessity of life.

Again, Mr. Speaker, the tax on tobacco was imposed to raise money in a great emergency, and has probably been unwisely and needlessly continued when that emergency ceased to exist; while the tax on cotton had for its object when originally imposed the punishment of the agricultural section in which it is raised, and its continuance after the war under still more punitive enactments can find no excuse, much less sanction of the Constitution, or the exercise of the taxing power under the limited grant in that instrument.

Mr. OATES. Mr. Speaker, what time have I remaining?

The SPEAKER *pro tempore*. The gentleman has ten minutes remaining.

Mr. OATES. I reserve that time.

Mr. CASWELL. Mr. Speaker, I have no desire to detain the House in the discussion of this report. I wish, however, to submit a few remarks in reply to the gentleman who has just spoken, after which a short time will be consumed upon the same side of the question, and then we shall be ready to vote. I want to disabuse the minds of the members and correct the statement which has often been repeated upon this floor, that this bill will carry \$17,500,000. Such is not the case. Gentlemen arrive at that amount by including the 15 per cent. commissions which were allowed the States for the assumption and payment of this tax, but this bill does not propose to pay to the States nearly \$2,250,000 which were credited by way of commissions, but simply the amount collected, which will aggregate \$15,725,000 and no more.

Mr. OATES. Will the gentleman let me interrupt him just there?

Mr. CASWELL. Yes, sir.

Mr. OATES. Does not the language of the first section of the bill provide that the Secretary shall credit and pay to each of the States and Territories an amount equal to all collections?

Mr. CASWELL. To all collections.

Mr. OATES. Wait a moment. Now the 15 per cent. clause was a part of the machinery which Congress saw proper to adopt to secure the collection of this tax. That was to be deducted from the amount, was it not?

Mr. CASWELL. It was a mere discount.

Mr. OATES. It was not an additional assessment?

Mr. CASWELL. It was a mere rebate or discount.

Mr. OATES. Whenever the State, through its machinery, would undertake the collection?

Mr. CASWELL. Yes, sir.

Mr. OATES. Well, was not that a collection?

Mr. CASWELL. I do not understand it so.

Mr. OATES. For instance, if \$2,000,000 was the assessment against Pennsylvania, and that State collected the \$2,000,000 and was allowed to retain 15 per cent. out of the amount as compensation for the work, that 15 per cent. would be a collection, would it not?

Mr. CASWELL. Not a collection within the meaning of the bill.

Mr. OATES. I maintain that it would be. You go on to say "by set-off or otherwise."

Mr. CASWELL. But an abatement allowed to a State which would assume and pay the money is in no sense a collection within the meaning of the bill.

Mr. BLAND. How, then, is the State reimbursed for the cost of collection?

Mr. CASWELL. It is very true that the State does not receive any compensation or reimbursement for the collection—

Mr. BRECKINRIDGE, of Kentucky. May I ask the gentleman a question?

Mr. CASWELL. Yes, sir.

Mr. BRECKINRIDGE, of Kentucky. This deduction of 15 per cent. was allowed to the States that paid the tax in cash. The tax was a direct tax levied upon the citizens of the States, not upon the States; it was apportioned among the States according to population. Now, how would it have been constitutional for the Government to have allowed a rebate of 15 per cent. to a State if that was not the fee which the Government allowed to its agent for collection, for under the Constitution the tax must be uniform? Was it not, then, the fact that the Government made the State its collector if the State chose to occupy that position, and gave it as its fee 15 per cent. of the amount collected? Therefore does not that come technically within the language of this bill when it provides that the Government shall pay back to the States the amount collected?

Mr. CASWELL. In reply to the gentleman from Kentucky I will say the effect of the provision referred to in the direct-tax law was merely to say to the States of the Union, "If you will assume the payment of this tax and pay this money into the Treasury, you may do it with a reduction of 15 per cent." In other words, for every \$85,000 of money that they paid into the Treasury they were to be credited with \$100,000.

Mr. BRECKINRIDGE, of Kentucky. Now, if I do not interrupt the gentleman from Wisconsin—

Mr. CASWELL. Not at all.

Mr. BRECKINRIDGE, of Kentucky. He will allow me to ask, does he not confuse two ideas that are essentially different under our Constitution—the State and the citizens of a State? The direct tax is levied upon citizens. Now, the Government could not say to the State, "If you will pay this tax, which is not levied upon you as a State but upon your citizens, we will give you a rebate," unless it made the State the agent to collect the tax from the citizens.

Mr. CASWELL. I understand the law proceeded upon the theory that each State is supposed to have an interest in its citizens or subjects; and while this tax was levied upon the people of the several States, Congress said to the States, looking to the interests of their people, "If you will save us the machinery and expense of collecting this tax, and will pay the money out of your own treasury into the Treasury of the United States, you shall have an abatement upon the tax for the benefit of your people; you shall pay only \$85,000 for every \$100,000 levied."

Mr. HOOKER. Will the gentleman permit me a question?

Mr. CASWELL. Certainly.

Mr. HOOKER. Did not the tax-payer in each State where this tax was collected pay the tax to the State, and did not the State out of the entire tax thus paid by its citizens reserve the 15 per cent.?

Mr. O'FERRALL rose.

Mr. CASWELL. One question at a time, if you please.

Mr. O'FERRALL. I wish to say that such was not the case in the State of Virginia.

Mr. CASWELL. I do not understand that the people of the several States paid this money into the State treasury; I do understand that some of the States, through their own legislative authority, assumed this tax and paid it out of the common treasury in large sums, while other sums which were due from the General Government to these several States were offset upon that tax.

Mr. OATES. Will the gentleman from Wisconsin allow me to interrupt him a moment on this particular point?

Mr. CASWELL. Yes, sir.

Mr. OATES. The statement of accounts by the Treasury Department shows as the balance of indebtedness due the United States \$2,553,991.86. Now, this is all that is due of the \$20,000,000 assessment. Has not the whole of the balance of the \$20,000,000 been collected?

Mr. CASWELL. All the balance of the \$20,000,000 has been collected or allowed to the State by way of rebate.

Mr. OATES. Ah! but "rebate" is not in the law. Here is a statement of the account from the Treasury Department which shows a little over two and a half million dollars uncollected of the \$20,000,000.

Mr. CASWELL. No matter; that same account shows how much was credited to the States by way of commissions. All these credits were mere rebates, and in no sense were they ever collected.

Mr. OATES. Now, let me finish my question. This bill directs that the Secretary of the Treasury credit each State and Territory of the United States and the District of Columbia a sum equal to all collections, by set-off or otherwise, made by the States, Territories, or the District of Columbia. Now, here is a statement of the Treasury account, showing, in round figures, that two and a half million dollars is still due, leaving seventeen and a half million dollars which have been collected. There is no such language as "rebate" employed in the act.

Mr. CASWELL. This language in regard to collections does not in any sense include commissions and rebates that were allowed and credited to the States.

Several gentlemen rose.



Mr. CASWELL. I must decline further interruptions because they are consuming too much time.

Mr. SPINOLA. I do not desire to consume the gentleman's time, but I trust he will allow me one question.

Mr. CASWELL. I regret I have not the time to yield.

Mr. SPINOLA. I wish to ask this question, because the explanation which may be given in reply may influence my vote.

Mr. CASWELL. Very well, I yield; but this must be the last time.

Mr. SPINOLA. I would like to ascertain whether there is now in this bill a provision that the money when paid to the State shall be paid into the treasury of the State directly.

Mr. CASWELL. Yes, sir; I understand it is to be paid to the treasurer of the State or to the governor.

Mr. SPINOLA. And no portion of this money is to be given to agents or assumed agents of the States who are hanging about the Capitol here?

Mr. CASWELL. Not at all; that can not occur. The money is to be paid to the governors of the several States.

Mr. O'FERRALL. Will the gentleman allow me one word?

Mr. CASWELL. Yes, sir.

Mr. O'FERRALL. I wish to say simply this, as I understand this bill, where the money was paid by a State upon assessments made by the State itself, it is to go into the treasury of the State for the benefit of the State as a whole—

Mr. CASWELL. Yes, sir.

Mr. O'FERRALL. But where the money was collected from individuals, as was the case in the State of Virginia, it is to go into the hands of the governor of the State to be paid over to those individuals, if living, or to their personal representatives.

Mr. CASWELL. Yes, sir; it is to be paid to the State to be held in trust for the rightful owners.

Mr. HOOKER. For a certain period?

Mr. CASWELL. Yes, sir; the statute of limitations will operate upon it in six years.

I desire now to make one or two remarks in reference to the constitutional argument of my friend from Alabama [Mr. OATES] and my distinguished friend from Mississippi [Mr. HOOKER]. I always respect a constitutional argument; but we must concede that over the subject of taxation Congress is vested with full power.

Mr. OATES. To do what?

Mr. CASWELL. To levy taxes in such manner as Congress may see fit.

Mr. OATES. Oh, no—

Mr. CASWELL. Now, the gentleman must excuse me for not yielding further.

Mr. OATES. But when you undertake to quote the Constitution you should be correct.

Mr. CASWELL. Well, the gentleman has had his say, and I do not think he is right. I want only a few moments, and it is very likely I shall not be right, but I only want to state my views as I entertain them. I repeat, Congress has full power to lay taxes upon the people of the country. Now my friend concedes that this tax was legally levied. If he did not concede it, the very decision of the Supreme Court which he holds in his hand settles the doctrine that it was a legal tax. That shows that Congress had jurisdiction over the subject; and if it has jurisdiction and can lay taxes has it not power to refund taxes? If a tax is partly collected and it seems impossible to collect the balance, can Congress not return the tax paid to such parties as have paid it?

Mr. OATES. No. There is the Constitution; show me the power.

Mr. CASWELL. The gentleman says that Congress has no such power. Congress has jurisdiction over the subject-matter. If it can rebate a part of the tax, if it can suspend the collection of a part or the whole of the tax, if it can allow redemption of taxes, when it is discovered that the money is not needed, may it not return it to the sources from which it came? Has not Congress, in other words, full power over the whole subject? I can see no other legitimate conclusion that follows from the power conferred upon Congress.

But, Mr. Speaker, I want to call the attention of gentlemen of the South to this one state of things: The very decision which my friend from Alabama refers to lays down the doctrine that this is a legal tax against the people of the States. The Supreme Court says it will not suggest how the tax may be collected, intimating that it may be collected, that it is a subsisting legal tax against the people of Alabama or the people of the State of Mississippi, and that machinery may be inaugurated by which that tax can be enforced. We may even do it before this Congress adjourns.

Mr. OATES. How?

Mr. CASWELL. Why, we may provide commissioners to go down and make the levy as in former years.

Mr. OATES. I would like to see them undertake it.

Mr. CASWELL. Does the gentleman deny that we have the authority? The gentleman says he would like to see them undertake it. Does he propose to resist by force?

Mr. OATES. Not at all.

Mr. CASWELL. Of course not; I am satisfied of that. If the Supreme Court holds that it is a legal tax upon the people of the State,

will the gentleman say that there can not be the necessary machinery set in motion by the same body that levied the tax to enforce its collection? Is it not in our power to originate and pass a bill that the uncollected part of this tax shall be enforced against the people of any of the States which have not paid it? Most certainly we can. And who upon this floor does not desire to relieve you from that condition of affairs?

Mr. ROGERS. But your desire now seems to be to relieve the Treasury.

Mr. CASWELL. Well, you claim that there is a great body of surplus in the Treasury. You gentlemen claim that this surplus has been accumulating and is accumulating, and you do not know what to do with it. Is this not a good way to do an act of justice—pay back the money collected and forgive the balance while we are paving the way for peace? Why not close up this whole account and spread the mantle of peace over the entire country? Why not help us when the olive branch is held out to blot out these liabilities which the Supreme Court hold to be constitutional, and which are a subsisting obligation against the people of your States?

Mr. ROGERS. But we do not want to pay \$17,000,000 for one olive branch. It is paying too dear for the whistle.

Mr. BRECKINRIDGE, of Kentucky. The charity that the gentleman from Wisconsin wants us to accept is that charity which pays all the money over to the Northern people and cancels an alleged obligation against the Southern States.

Mr. CASWELL. But is it not a charity also to relieve a man of a liability which is hanging over him? It is a worse condition to be in debt when you have not the money to pay than to be obliged to pay money when you have it; and it is more of a charity often to relieve a man who can not pay such an obligation than to refund money which he has paid and perhaps does not need.

Mr. HOOKER. Why not give us the \$68,000,000 of cotton tax?

Mr. CASWELL. That is another question. Perhaps when the gentleman introduces a bill, and can convince me there is a difference between the cotton tax and the tax levied on tobacco in the North, I may help him correct the inequality. I reserve the balance of my time. [Cries of "Vote!" "Vote!"]

Mr. OATES. Mr. Speaker, there are a few matters to which I wish to refer briefly. The gentleman from Wisconsin says that the clause of the Constitution which gives Congress the right to lay and collect taxes gives authority over the whole question of taxation to "remit and refund," as well as "to lay and collect." I go by the letter of the Constitution. It reads, "Congress shall have power to lay and collect." There is no such language as "remit or refund."

Now, with reference to the amount which this bill carries. There was an assessment on the States and Territories of the United States of \$20,000,000. The books of the Treasury Department show that in round numbers two and a half millions of that assessment are uncollected, and that all the remainder of the assessment has been collected; that is to say, seventeen and a half million dollars have been collected, and there are yet due or uncollected about two and a half million dollars. That is a plain proposition.

The fact that the law laying this tax gave to the States 15 per cent. or the collection for making it, or employing their machinery to collect, did not diminish the gross assessment. The 15-per-cent. agreement is called in the act "assuming," and it was a part of the collection to be made. The language employed by my friend from Wisconsin [Mr. CASWELL], "rebating," is not to be found in the law nor in the account kept in the Treasury Department. It follows necessarily from the language employed in this bill, "all collections made by set-off or otherwise," that the 15 per cent. retained was a part of the collection. It does not make any difference what the United States did with the money that was collected, nor whether it ever came into the Treasury. That is not the language of the bill. It does not say "all money that was collected and paid into the Treasury," but "all collections by set-off and otherwise made from the States and Territories is appropriated by this bill." This, however, is only a question as to the amount which the bill carries. Two and a quarter millions which were supposed to have been retained, and which I suppose were retained for collecting, by the terms of this bill are to be appropriated out of the Treasury for the benefit of those States and Territories, making the whole amount which this bill appropriates about \$17,500,000.

It is another objection and an unjust feature of it. It has been said that the States that assumed the payment of the assessments against their people became liable therefor and the United States got the benefit of the 15 per cent., and hence it was collected. Suppose a State assumed the debt and did not pay, could the United States enforce it against that State? No. It could enforce it against the lands owned by the citizens, just as in the first instance, if the State had not assumed it. There are no set-offs credited against any States which assumed it of which they have any right to complain.

I do not care, Mr. Speaker, to consume any more time, and if no gentleman on this side desires to say anything, I shall ask a vote. [Cries of "Vote!" "Vote!"]

Mr. CASWELL. I demand the previous question on the adoption of the conference report.



The previous question was ordered.

The question was put upon agreeing to the conference report; and the Speaker announced that the ayes seemed to have it.

Mr. OATES. I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 168, nays 87, not voting 67; as follows:

## YEAS—168.

|                       |                  |                |                     |
|-----------------------|------------------|----------------|---------------------|
| Adams,                | Dingley,         | Johnston, Ind. | Reed,               |
| Allen, Mich.          | Dorsey,          | Kean,          | Rice,               |
| Anderson, Iowa        | Dunham,          | Kelley,        | Rockwell,           |
| Anderson, Kans.       | Elliott,         | Kennedy,       | Romels,             |
| Arnold,               | Farquhar,        | Ketcham,       | Rowell,             |
| Atkinson,             | Felton,          | La Follette,   | Ryan,               |
| Baker, N. Y.          | Finley,          | Laidlaw,       | Sawyer,             |
| Baker, Ill.           | Fisher,          | Latham,        | Scull,              |
| Bayne,                | Fitch,           | Lehlbach,      | Seney,              |
| Biggs,                | Flood,           | Lind,          | Seymour,            |
| Bingham,              | Ford,            | Lodge,         | Sherman,            |
| Bliss,                | Fuller,          | Long,          | Simmions,           |
| Boothman,             | Funston,         | Macdonald,     | Sowden,             |
| Boud,                 | Gaines,          | Mahoney,       | Spooner,            |
| Boutelle,             | Gallinger,       | Mansur,        | Steele,             |
| Bowden,               | Gay,             | Mason,         | Stephenson,         |
| Bowen,                | Gear,            | McClammy,      | Stewart, Vt.        |
| Brewer,               | Gest,            | McCormick,     | Struble,            |
| Brower,               | Gibson,          | McKenna,       | Taylor, E. B., Ohio |
| Browne, T. H. B., Va. | Grosvenor,       | McKinley,      | Taylor, J. D., Ohio |
| Browne, Ind.          | Groat,           | Merriman,      | Thomas, Ky.         |
| Brown, Ohio           | Guenther,        | Moffitt,       | Thomas, Ill.        |
| Brown, J. R., Va.     | Harmer,          | Morrill,       | Thomas, Wis.        |
| Buchanan,             | Haugen,          | Nichols,       | Thompson, Ohio      |
| Burrows,              | Hayden,          | O'Donnell,     | Thompson, Cal.      |
| Campbell, F., N. Y.   | Heard,           | O'Ferrall,     | Tillman,            |
| Cannon,               | Hemphill,        | O'Neill, Ind.  | Townshend,          |
| Caswell,              | Henderson, Iowa  | O'Neill, Pa.   | Turner, Kans.       |
| Cheadle,              | Henderson, N. C. | O'Neill, Mo.   | Vandever,           |
| Clark,                | Henderson, Ill.  | Osborne,       | Wade,               |
| Cogswell,             | Hermann,         | Outhwaite,     | Warner,             |
| Compton,              | Hiestand,        | Owen,          | Weber,              |
| Conger,               | Hires,           | Parker,        | West,               |
| Cooper,               | Hitt,            | Patt,          | White, N. Y.        |
| Cothran,              | Holman,          | Perkins,       | Whiting, Mass.      |
| Crouse,               | Holmes,          | Phelps,        | Wilber,             |
| Cutcheon,             | Hopkins, Ill.    | Pidcock,       | Wilkinson,          |
| Dalzell,              | Hopkins, Va.     | Plumb,         | Williams,           |
| Darlington,           | Hopkins, N. Y.   | Posey,         | Wise,               |
| Davis,                | Hudd,            | Post,          | Woodburn,           |
| De Lano,              | Hunter,          | Pugsley,       | Yardley,            |
| Dibble,               | Jackson,         | Rayner,        | Yoder,              |

## NAYS—87.

|                    |                 |             |                |
|--------------------|-----------------|-------------|----------------|
| Abbott,            | Dargan,         | Lanham,     | Rowland,       |
| Anderson, Miss.    | Davidson, Ala.  | Lawler,     | Russell, Mass. |
| Bankhead,          | Dockery,        | Lynch,      | Sayers,        |
| Barnes,            | Dunn,           | Maish,      | Scott,         |
| Blanchard,         | Forney,         | Martin,     | Shively,       |
| Bland,             | French,         | McAdoo,     | Smith,         |
| Blount,            | Glass,          | McKinney,   | Spinola,       |
| Breckinridge, Ark. | Glover,         | McMillin,   | Springer,      |
| Breckinridge, Ky.  | Grimes,         | McRae,      | Stewart, Tex.  |
| Buckalew,          | Hall,           | Mills,      | Stewart, Ga.   |
| Bynum,             | Hare,           | Montgomery, | Stone, Ky.     |
| Candler,           | Hatch,          | Moore,      | Tarsney,       |
| Caruth,            | Hayes,          | Morgan,     | Turner, Ga.    |
| Catchings,         | Hooker,         | Morse,      | Vance,         |
| Chipman,           | Howard,         | Norwood,    | Walker,        |
| Clardy,            | Hutton,         | Oates,      | Washington,    |
| Clements,          | Johnston, N. C. | Peel,       | Weaver,        |
| Cobb,              | Jones,          | Pennington, | Wheeler,       |
| Cockran,           | Kilgore,        | Randall,    | Whiting, Mich. |
| Cowles,            | Lagan,          | Richardson, | Wilson, Minn.  |
| Crisp,             | Landes,         | Robertson,  | Wilson, W. Va. |
| Cummings,          | Lane,           | Rogers,     |                |

## NOT VOTING—67.

|                        |                |            |                |
|------------------------|----------------|------------|----------------|
| Allen, Mass.           | Crain,         | Lee,       | Phelan,        |
| Allen, Miss.           | Culbertson,    | Lyman,     | Russell, Conn. |
| Anderson, Ill.         | Davenport,     | Maffett,   | Rusk,          |
| Bacon,                 | Davidson, Fla. | Matson,    | Shaw,          |
| Barry,                 | Dougherty,     | McComas,   | Snyder,        |
| Belden,                | Enloe,         | McCreary,  | Stahnecker,    |
| Brumm,                 | Ermentrout,    | McCulloch, | Stockdale,     |
| Bryce,                 | Foran,         | McShane,   | Stone, Mo.     |
| Bunnell,               | Goff,          | Milliken,  | Symes,         |
| Burnett,               | Granger,       | Morrow,    | Taulbee,       |
| Butler,                | Greenman,      | Neal,      | Tracey,        |
| Butterworth,           | Herbert,       | Nelson,    | White, Ind.    |
| Campbell, Ohio         | Hogg,          | Newton,    | Whithorne,     |
| Campbell, T. J., N. Y. | Houk,          | Nutting,   | Wickham,       |
| Carlton,               | Kerr,          | Payson,    | Wilkins,       |
| Collins,               | Laffoon,       | Perry,     | Yost,          |
| Cox,                   | Laird,         | Peters,    |                |

So the conference report was adopted.

Mr. CASWELL. I ask unanimous consent that the reading of the names of members voting be dispensed with.

Mr. SCOTT. I object.

The Clerk recapitulated the names.

Mr. BIGGS. Mr. Speaker, I am paired with my colleague from California [Mr. MORROW], but if he were here he would vote "yea," and consequently I have voted "yea."

The following additional pairs for the rest of the day were announced:

Mr. STONE, of Missouri, with Mr. WILLIAMS.  
Mr. LEE with Mr. PAYSON.  
Mr. DAVIDSON, of Florida, with Mr. PETERS.

Mr. CRAIN with Mr. DAVENPORT.

Mr. CARLTON with Mr. WICKHAM. If Mr. WICKHAM were voting he would vote for the conference report on the tax bill.

Mr. GRANGER and Mr. RUSSELL, of Connecticut, were announced as paired until further notice.

Mr. PETERS was granted leave of absence on account of sickness.

Mr. TAULBEE and Mr. ANDERSON, of Illinois, were announced as paired on the conference report on the direct-tax bill. Mr. TAULBEE would vote for the bill and Mr. ANDERSON, of Illinois, against it.

Mr. ENLOE and Mr. BUTTERWORTH were announced as paired on this vote.

The vote was then announced as above recorded.

Mr. GROSVENOR. Mr. Speaker, I am paired until Saturday with my colleague, Mr. CAMPBELL, of Ohio, but it is within my knowledge that if he were present he would probably vote for this bill, and therefore I have voted.

Mr. CASWELL. I move to reconsider the vote by which the conference report was adopted; and also move that the motion to reconsider be laid on the table.

The latter motion was agreed to.

## ADMISSION OF DAKOTA AND OTHER NEW STATES.

Mr. SPRINGER. Mr. Speaker, I beg to submit a conference report.

The SPEAKER. The report will be read.

The report is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill of the Senate (S. 185) to provide for the admission of South Dakota into the Union and for the organization of the Territory of North Dakota, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House to said bill and agree to the same with an amendment, namely: Strike out all of said amendment and in lieu thereof insert the following:

"SECTION 1. That the inhabitants of all that part of the area of the United States now constituting the Territories of Dakota, Montana, and Washington, as at present described, may become the States of North Dakota, South Dakota, Montana, and Washington, respectively, as hereinafter provided.

"SEC. 2. The area comprising the Territory of Dakota shall, for the purposes of this act, be divided on the line of the seventh standard parallel produced due west to the western boundary of said Territory; and the delegates elected as hereinafter provided to the constitutional convention in districts north of said parallel shall assemble in convention, at the time prescribed in this act, at the city of Bismarck; and the delegates elected in districts south of said parallel shall, at the same time, assemble in convention at the city of Sioux Falls.

"SEC. 3. That all persons who are qualified by the laws of said Territories to vote for representatives to the Legislative Assemblies thereof, are hereby authorized to vote for and choose delegates to form conventions in said proposed States; and the qualifications for delegates to such conventions shall be such as by the laws of said Territories respectively persons are required to possess to be eligible to the Legislative Assemblies thereof; and the aforesaid delegates to form said conventions shall be apportioned within the limits of the proposed States in such districts as may be established as herein provided, in proportion to the population in each of said counties and districts, as near as may be, to be ascertained at the time of making said apportionments by the persons hereinafter authorized to make the same, from the best information obtainable, in each of which districts three delegates shall be elected, but no elector shall vote for more than two persons for delegates to such conventions; that said appointments shall be made by the governor, the chief justice, and the secretary of said Territories; and the governors of said Territories shall, by proclamation, order an election of the delegates aforesaid in each of said proposed States, to be held on the Tuesday after the second Monday in May, 1889, which proclamation shall be issued on the 15th day of April, 1889; and such election shall be conducted, the returns made, the result ascertained, and the certificates to persons elected to such convention issued in the same manner as is prescribed by the laws of the said Territories regulating elections therein for Delegates to Congress; and the number of votes cast for delegates in each precinct shall also be returned. The number of delegates to said conventions respectively shall be seventy-five; and all persons resident in said proposed States, who are qualified voters of said Territories as herein provided, shall be entitled to vote upon the election of delegates, and under such rules and regulations as said conventions may prescribe not in conflict with this act, upon the ratification or rejection of the constitutions.

"SEC. 4. That the delegates to the conventions elected as provided in this act shall meet at the seat of government of each of said Territories, except the delegates elected in South Dakota, who shall meet at the city of Sioux Falls, on the 4th day of July, 1889, and, after organization, shall declare on behalf of the people of said proposed States that they adopt the Constitution of the United States; whereupon the said conventions shall be, and are hereby, authorized to form constitutions and State governments for said proposed States, respectively. The constitutions shall be republican in form, and make no distinction in civil or political rights on account of race or color, except as to Indians not taxed, and not be repugnant to the Constitution of the United States and the principles of the Declaration of Independence. And said conventions shall provide, by ordinances irrevocable without the consent of the United States and the people of said States:

"First. That perfect toleration of religious sentiment shall be secured, and that no inhabitant of said States shall ever be molested in person or property on account of his or her mode of religious worship.

"Second. That the people inhabiting said proposed States do agree and declare that they forever disclaim all right and title to the unappropriated public lands lying within the boundaries thereof, and to all lands lying within said limits owned or held by any Indian or Indian tribes; and that until the title thereto shall have been extinguished by the United States, the same shall be and remain subject to the disposition of the United States, and said Indian lands shall remain under the absolute jurisdiction and control of the Congress of the United States; that the lands belonging to citizens of the United States residing without the said States shall never be taxed at a higher rate than the lands belonging to residents thereof; that no taxes shall be imposed by the States on lands or property therein belonging to or which may hereafter be purchased by the United States or reserved for its use. But nothing herein, or in the ordinances herein provided for, shall preclude the said States from taxing as other lands are taxed any lands owned or held by any Indian who has severed his tribal relations, and has obtained from the United States or from any person a title thereto by patent or other grant, save and except such lands as have been or may be granted to any Indian or Indians under any act of Congress containing a provision exempting the lands thus granted from taxation; but said



ordinances shall provide that all such lands shall be exempt from taxation by said States so long and to such an extent as such act of Congress may prescribe.

"Third. That the debts and liabilities of said Territories shall be assumed and paid by said States, respectively.

"Fourth. That provision shall be made for the establishment and maintenance of systems of public schools, which shall be open to all the children of said States, and free from sectarian control.

"Sec. 5. That the convention which shall assemble at Bismarck shall form a constitution and State government for a State to be known as North Dakota, and the convention which shall assemble at Sioux Falls shall form a constitution and State government for a State to be known as South Dakota: *Provided*, That at the election for delegates to the constitutional convention in South Dakota, as hereinbefore provided, each elector may have written or printed on his ballot the words 'For the Sioux Falls constitution,' or the words 'Against the Sioux Falls constitution,' and the votes on this question shall be returned and canvassed in the same manner as for the election provided for in section 3 of this act; and if a majority of all votes cast on this question shall be 'For the Sioux Falls constitution' it shall be the duty of the convention which may assemble at Sioux Falls, as herein provided, to resubmit to the people of South Dakota, for ratification or rejection at the election hereinafter provided for in this act, the constitution framed at Sioux Falls and adopted November 3, 1885, and also the articles and propositions separately submitted at that election, including the question of locating the temporary seat of government, with such changes only as relate to the name and boundary of the proposed State, to the reapportionment of the judicial and legislative districts, and such amendments as may be necessary in order to comply with the provisions of this act; and if a majority of the votes cast on the ratification or rejection of the constitution shall be for the constitution irrespective of the articles separately submitted, the State of South Dakota shall be admitted as a State in the Union under said constitution as hereinafter provided; but the archives, records, and books of the Territory of Dakota shall remain at Bismarck, the capital of North Dakota, until an agreement in reference thereto is reached by said States. But if at the election for delegates to the constitutional convention in South Dakota a majority of all the votes cast at that election shall be 'Against the Sioux Falls constitution,' then and in that event it shall be the duty of the convention which will assemble at the city of Sioux Falls on the 4th day of July, 1889, to proceed to form a constitution and State government as provided in this act the same as if that question had not been submitted to a vote of the people of South Dakota.

"Sec. 6. It shall be the duty of the constitutional conventions of North Dakota and South Dakota to appoint a joint commission, to be composed of not less than three members of each convention, whose duty it shall be to assemble at Bismarck, the present seat of government of said Territory, and agree upon an equitable division of all property belonging to the Territory of Dakota, the disposition of all public records, and also adjust and agree upon the amount of the debts and liabilities of the Territory, which shall be assumed and paid by each of the proposed States of North Dakota and South Dakota; and the agreement reached respecting the Territorial debts and liabilities shall be incorporated in the respective constitutions, and each of said States shall obligate itself to pay its proportion of such debts and liabilities the same as if they had been created by such States respectively.

"Sec. 7. If the constitutions formed for both North Dakota and South Dakota shall be rejected by the people at the elections for the ratification or rejection of their respective constitutions as provided for in this act, the Territorial government of Dakota shall continue in existence the same as if this act had not been passed. But if the constitution formed for either North Dakota or South Dakota shall be rejected by the people, that part of the Territory so rejecting its proposed constitution shall continue under the Territorial government of the present Territory of Dakota, but shall, after the State adopting its constitution is admitted into the Union, be called by the name of the Territory of North Dakota or South Dakota, as the case may be: *Provided*, That if either of the proposed States provided for in this act shall reject the constitution which may be submitted for ratification or rejection at the election provided therefor, the governor of the Territory in which such proposed constitution was rejected shall issue his proclamation reconvening the delegates elected to the convention which formed such rejected constitution, fixing the time and place at which said delegates shall assemble; and when so assembled they shall proceed to form another constitution or to amend the rejected constitution, and shall submit such new constitution or amended constitution to the people of the proposed State for ratification or rejection, at such time as said convention may determine; and all the provisions of this act, so far as applicable, shall apply to such convention so reassembled and to the constitution which may be formed, its ratification or rejection, and to the admission of the proposed State.

"Sec. 8. That the constitutional convention which may assemble in South Dakota shall provide by ordinance for resubmitting the Sioux Falls constitution of 1885, after having amended the same as provided in section 5 of this act, to the people of South Dakota for ratification or rejection at an election to be held therein on the first Tuesday in October, 1889; but if said constitutional convention is authorized and required to form a new constitution for South Dakota it shall provide for submitting the same in like manner to the people of South Dakota for ratification or rejection at an election to be held in said proposed State on the said first Tuesday in October. And the constitutional conventions which may assemble in North Dakota, Montana, and Washington shall provide in like manner for submitting the constitutions formed by them to the people of said proposed States, respectively, for ratification or rejection at elections to be held in said proposed States on the first Tuesday in October. At the elections provided for in this section the qualified voters of said proposed States shall vote directly for or against the proposed constitutions, and for or against any articles or propositions separately submitted. The returns of said elections shall be made to the secretary of each of said Territories, who, with the governor and chief justice thereof, or any two of them, shall canvass the same; and if a majority of the legal votes cast shall be for the constitution the governor shall certify the result to the President of the United States, together with a statement of the votes cast thereon and upon separate articles or propositions, and a copy of said constitution, articles, propositions, and ordinances. And if the constitutions and governments of said proposed States are republican in form, and if all the provisions of this act have been complied with in the formation thereof, it shall be the duty of the President of the United States to issue his proclamation announcing the result of the election in each, and thereupon the proposed States which have adopted constitutions and formed State governments as herein provided shall be deemed admitted by Congress into the Union under and by virtue of this act on an equal footing with the original States from and after the date of said proclamation.

"Sec. 9. That until the next general census, or until otherwise provided by law, said States shall be entitled to one Representative in the House of Representatives of the United States, except South Dakota, which shall be entitled to two; and the Representatives to the Fifty-first Congress, together with the governors and other officers provided for in said constitutions, may be elected on the same day of the election for the ratification or rejection of the constitutions; and until said State officers are elected and qualified under the provisions of each constitution and the States, respectively, are admitted into the Union, the Territorial officers shall continue to discharge the duties of their respective offices in each of said Territories.

"Sec. 10. That upon the admission of each of said States into the Union sections numbered 16 and 36 in every township of said proposed States, and where such sections, or any parts thereof, have been sold or otherwise dis-

posed of by or under the authority of any act of Congress, other lands equivalent thereto, in legal subdivisions of not less than one-quarter section, and as contiguous as may be to the section in lieu of which the same is taken, are hereby granted to said States for the support of common schools, such indemnity lands to be selected within said States in such manner as the Legislature may provide, with the approval of the Secretary of the Interior: *Provided*, That the sixteenth and thirty-sixth sections embraced in permanent reservations for national purposes shall not, at any time, be subject to the grants nor to the indemnity provisions of this act, nor shall any lands embraced in Indian, military, or other reservations of any character, be subject to the grants or to the indemnity provisions of this act until the reservation shall have been extinguished and such lands be restored to, and become a part of, the public domain.

"Sec. 11. That all lands herein granted for educational purposes shall be disposed of only at public sale, and at a price not less than \$10 per acre, the proceeds to constitute a permanent school fund, the interest of which only shall be expended in the support of said schools. But said lands may, under such regulations as the Legislatures shall prescribe, be leased for periods of not more than five years, in quantities not exceeding 1 section to any one person or company; and such land shall not be subject to pre-emption, homestead entry, or any other entry under the land laws of the United States, whether surveyed or unsurveyed, but shall be reserved for school purposes only.

"Sec. 12. That upon the admission of each of said States into the Union, in accordance with the provisions of this act, fifty sections of the unappropriated public lands within said States, to be selected and located in legal subdivisions as provided in section 10 of this act, shall be, and are hereby, granted to said States for the purpose of erecting public buildings at the capital of said States for legislative, executive, and judicial purposes.

"Sec. 13. That 5 per cent of the proceeds of the sales of public lands lying within said States which shall be sold by the United States subsequent to the admission of said States into the Union, after deducting all the expenses incident to the same, shall be paid to the said States, to be used as a permanent fund, the interest of which only shall be expended for the support of the common schools within said States, respectively.

"Sec. 14. That the lands granted to the Territories of Dakota and Montana by the act of February 18, 1881, entitled 'An act to grant lands to Dakota, Montana, Arizona, Idaho, and Wyoming for university purposes,' are hereby vested in the States of South Dakota, North Dakota, and Montana, respectively, if such States are admitted into the Union, as provided in this act, to the extent of the full quantity of seventy-two sections to each of said States, and any portion of said lands that may not have been selected by either of said Territories of Dakota or Montana may be selected by the respective States aforesaid; but said act of February 18, 1881, shall be so amended as to provide that none of said lands shall be sold for less than \$10 per acre, and the proceeds shall constitute a permanent fund to be safely invested and held by said States severally, and the income thereof be used exclusively for university purposes. And such quantity of the lands authorized by the fourth section of the act of July 17, 1854, to be reserved for university purposes in the Territory of Washington, as together with the lands confirmed to the vendees of the Territory by the act of March 14, 1864, will make the full quantity of seventy-two entire sections, are hereby granted in like manner to the State of Washington for the purposes of a university in said State. None of the lands granted in this section shall be sold at less than \$10 per acre; but said lands may be leased in the same manner as provided in section 11 of this act. The schools, colleges, and universities provided for in this act shall forever remain under the exclusive control of the said States, respectively, and no part of the proceeds arising from the sale or disposal of any lands herein granted for educational purposes shall be used for the support of any sectarian or denominational school, college, or university. The section of land granted by the act of June 16, 1880, to the Territory of Dakota, for an asylum for the insane shall, upon the admission of said State of South Dakota into the Union, become the property of said State.

"Sec. 15. That so much of the lands belonging to the United States as have been acquired and set apart for the purpose mentioned in 'An act appropriating money for the erection of a penitentiary in the Territory of Dakota,' approved March 2, 1881, together with the buildings thereon, be, and the same is hereby, granted, together with any unexpended balances of the moneys appropriated therefor by said act, to said State of South Dakota, for the purposes therein designated; and the States of North Dakota and Washington shall, respectively, have like grants for the same purpose, and subject to like terms and conditions as provided in said act of March 2, 1881, for the Territory of Dakota. The penitentiary at Deer Lodge City, Mont., and all lands connected therewith and set apart and reserved therefor, are hereby granted to the State of Montana.

"Sec. 16. That 90,000 acres of land, to be selected and located as provided in section 10 of this act, are hereby granted to each of said States, except to the State of South Dakota, to which 120,000 acres are granted, for the use and support of agricultural colleges in said States, as provided in the acts of Congress making donations of lands for such purpose.

"Sec. 17. That in lieu of the grant of land for purposes of internal improvement made to new States by the eighth section of the act of September 4, 1841, which act is hereby repealed, as to the States provided for by this act, and in lieu of any claim or demand by the said States, or either of them, under the act of September 28, 1850, and section 2479 of the Revised Statutes, making a grant of swamp and overflowed lands to certain States, which grant it is hereby declared is not extended to the States provided for in this act, and in lieu of any grant of saline lands to said States, the following grants of land are hereby made, to-wit:

"To the State of South Dakota: For the school of mines, 40,000 acres; for the reform school, 40,000 acres; for the deaf and dumb asylum, 40,000 acres; for the agricultural college, 40,000 acres; for the university, 40,000 acres; for State normal schools, 80,000 acres; for public buildings at the capital of said State, 50,000 acres; and for such other educational and charitable purposes as the Legislature of said State may determine, 170,000 acres; in all, 500,000 acres.

"To the State of North Dakota a like quantity of land as is in this section granted to the State of South Dakota, and to be for like purposes, and in like proportion as far as practicable.

"To the State of Montana: For the establishment and maintenance of a school of mines, 100,000 acres; for State normal schools, 100,000 acres; for agricultural colleges, in addition to the grant hereinbefore made for that purpose, 50,000 acres; for the establishment of a State reform school, 50,000 acres; for the establishment of a deaf and dumb asylum, 50,000 acres; for public buildings at the capital of the State, in addition to the grant hereinbefore made for that purpose, 150,000 acres.

"To the State of Washington: For the establishment and maintenance of a scientific school, 100,000 acres; for State normal schools, 100,000 acres; for public buildings at the State capital, in addition to the grant hereinbefore made for that purpose, 100,000 acres; for State charitable, educational, penal and reformatory institutions, 200,000 acres.

"That the States provided for in this act shall not be entitled to any further or other grants of land for any purpose than as expressly provided in this act. And the lands granted by this section shall be held, appropriated, and disposed of exclusively for the purposes herein mentioned, in such manner as the Legislatures of the respective States may severally provide.

"Sec. 18. That all mineral lands shall be exempted from the grants made by this act. But if sections 16 and 36, or any subdivision or portion of any smallest subdivision thereof in any township shall be found by the Department of the Interior to be mineral lands, said States are hereby authorized and empowered to select, in legal subdivisions, an equal quantity of other unappropriated



lands in said States, in lieu thereof, for the use and the benefit of the common schools of said States.

"SEC. 19. That all lands granted in quantity or as indemnity by this act shall be selected, under the direction of the Secretary of the Interior, from the surveyed, unreserved, and unappropriated public lands of the United States within the limits of the respective States entitled thereto. And there shall be deducted from the number of acres of land donated by this act for specific objects to said States the number of acres in each heretofore donated by Congress to said Territories for similar objects.

"SEC. 20. That the sum of \$20,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to each of said Territories for defraying the expenses of the said conventions, except to Dakota, for which the sum of \$40,000 is so appropriated, \$20,000 each for South Dakota and North Dakota, and for the payment of the members thereof, under the same rules and regulations and at the same rates as are now provided by law for the payment of the Territorial Legislatures. Any money hereby appropriated not necessary for such purpose shall be covered into the Treasury of the United States.

"SEC. 21. That each of said States, when admitted as aforesaid, shall constitute one judicial district, the names thereof to be the same as the names of the States, respectively; and the circuit and district courts therefor shall be held at the capital of such State for the time-being, and each of said districts shall, for judicial purposes, until otherwise provided, be attached to the eighth judicial circuit, except Washington and Montana, which shall be attached to the ninth judicial circuit. There shall be appointed for each of said districts one district judge, one United States attorney, and one United States marshal. The judge of each of said districts shall receive a yearly salary of \$3,500, payable in four equal installments, on the 1st days of January, April, July, and October of each year, and shall reside in the district. There shall be appointed clerks of said courts in each district, who shall keep their offices at the capital of said State. The regular terms of said courts shall be held in each district, at the place aforesaid, on the first Monday in April, and the first Monday in November of each year, and only one grand jury and one petit jury shall be summoned in both said circuit and district courts. The circuit and district courts for each of said districts, and the judges thereof, respectively, shall possess the same powers and jurisdiction, and perform the same duties required to be performed by the other circuit and district courts and judges of the United States, and shall be governed by the same laws and regulations. The marshal, district attorney, and clerks of the circuit and district courts of each of said districts, and all other officers and persons performing duties in the administration of justice therein, shall severally possess the powers and perform the duties lawfully possessed and required to be performed by similar officers in other districts of the United States; and shall, for the services they may perform, receive the fees and compensation allowed by law to other similar officers and persons performing similar duties in the State of Nebraska.

"SEC. 22. That all cases of appeal or writ of error heretofore prosecuted and now pending in the Supreme Court of the United States upon any record from the supreme court of either of the Territories mentioned in this act, or that may hereafter lawfully be prosecuted upon any record from either of said courts, may be heard and determined by said Supreme Court of the United States. And the mandate of execution or of further proceedings shall be directed by the Supreme Court of the United States to the circuit or district court hereby established within the State succeeding the Territory from which such record is or may be pending, or to the supreme court of such State, as the nature of the case may require: *Provided*, That the mandate of execution or of further proceedings shall, in cases arising in the Territory of Dakota, be directed by the Supreme Court of the United States to the circuit or district court of the district of South Dakota, or to the supreme court of the State of South Dakota, or to the circuit or district court of the district of North Dakota, or to the supreme court of the State of North Dakota, or to the supreme court of the Territory of North Dakota, as the nature of the case may require. And each of the circuit, district, and State courts, herein named, shall, respectively, be the successor of the supreme court of the Territory, as to all such cases arising within the limits embraced within the jurisdiction of such courts, respectively, with full power to proceed with the same, and award mesne or final process therein; and that from all judgments and decrees of the supreme court of either of the Territories mentioned in this act, in any case arising within the limits of any of the proposed States prior to admission, the parties to such judgment shall have the same right to prosecute appeals and writs of error to the Supreme Court of the United States as they shall have had by law prior to the admission of said State into the Union.

"SEC. 23. That in respect to all cases, proceedings, and matters now pending in the supreme or district courts of either of the Territories mentioned in this act at the time of the admission into the Union of either of the States mentioned in this act, and arising within the limits of any such State, whereof the circuit or district courts by this act established might have had jurisdiction under the laws of the United States had such courts existed at the time of the commencement of such cases, the said circuit and district courts, respectively, shall be the successors of said supreme and district courts of said Territory; and in respect to all other cases, proceedings, and matters pending in the supreme or district courts of any of the Territories mentioned in this act at the time of the admission of such Territory into the Union, arising within the limits of said proposed State, the courts established by such State shall, respectively, be the successors of said supreme and district Territorial courts; and all the files, records, indictments, and proceedings relating to any such cases shall be transferred to such circuit, district, and State courts, respectively, and the same shall be proceeded with therein in due course of law; but no writ, action, indictment, cause, or proceeding now pending, or that prior to the admission of any of the States mentioned in this act shall be pending in any Territorial court in any of the Territories mentioned in this act, shall abate by the admission of any such State into the Union, but the same shall be transferred and proceeded with in the proper United States circuit, district, or State court, as the case may be: *Provided, however*, That in all civil actions, causes, and proceedings, in which the United States is not a party, transfers shall not be made to the circuit and district courts of the United States except upon written request of one of the parties to such action or proceeding filed in the proper court; and in the absence of such request, such cases shall be proceeded with in the proper State courts.

"SEC. 24. That the constitutional conventions may, by ordinance, provide for the election of officers for full State governments, including members of the Legislatures and Representatives in the Fifty-first Congress; but said State governments shall remain in abeyance until the States shall be admitted into the Union, respectively, as provided in this act. In case the constitution of any of said proposed States shall be ratified by the people, but not otherwise, the Legislature thereof may assemble, organize, and elect two Senators of the United States; and the governor and secretary of state of such proposed State shall certify the election of the Senators and Representatives in the manner required by law; and when such State is admitted into the Union the Senators and Representatives shall be entitled to be admitted to seats in Congress, and to all the rights and privileges of Senators and Representatives of other States in the Congress of the United States; and the officers of the State governments formed in pursuance of said constitutions, as provided by the constitutional conventions, shall proceed to exercise all the functions of such State officers; and all laws in force made by said Territories, at the time of their admission into the Union, shall be in force in said States, except as modified or changed by this act or by the constitutions of the States, respectively.

"SEC. 25. That all acts or parts of acts in conflict with the provisions of this

act, whether passed by the Legislatures of said Territories or by Congress, are hereby repealed."

And that the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House to the title of said bill and agrees to the same so amended as to read as follows: "An act to provide for the division of Dakota into two States and to enable the people of North Dakota, South Dakota, Montana, and Washington to form constitutions and State governments, and to be admitted into the Union on an equal footing with the original States, and to make donations of public lands to such States."

And that the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House striking out the preamble of said bill, and agree to the same.

WM. M. SPRINGER,  
CHAS. S. BAKER,  
*Managers on the part of the House.*  
O. H. PLATT,  
S. M. CULLOM,  
M. C. BUTLER,  
*Managers on the part of the Senate.*

Mr. SPRINGER (after the introductory portion of the report had been read). I ask unanimous consent that the statement of the House conferees be now read, and after that I think the House will not desire the reading of the full text of the amendment.

The SPEAKER. The report seems to embody the entire bill.

Mr. SPRINGER. It does.

Mr. BAKER, of New York. The statement of the House conferees referred to by my colleague from Illinois [Mr. SPRINGER] embraces a concise statement of the substance of the entire bill, and I think its reading will prove satisfactory to the House. After it has been read, if any gentleman desires, then the bill can be read in full.

The SPEAKER. The gentleman from Illinois and the gentleman from New York ask unanimous consent that for the present the reading of the amendment be dispensed with, and that the statement made by the managers of the conference on the part of the House be first read, with the right to have the report read in full thereafter if desired. Is there objection?

There was no objection.

The statement of the House conferees was read, as follows:

The managers on the part of the House submit the following statement of the effect the amendment proposed will have upon the measure:

The amendment which the House in the first instance adopted to the Senate bill 185 provided for submitting to the people of Dakota the question of dividing the Territory so as to form two States, and required a majority of all votes cast in each proposed State to authorize division. If divided in this manner the States of North Dakota and South Dakota would be formed. If not, the State of Dakota would be formed, and provision was made for admission in either event. The Territories of Montana, Washington, and New Mexico were also authorized to form constitutions and State governments and to be admitted into the Union as States. The constitutions so formed were to be submitted to Congress for approval before admission, except in the case of South Dakota and Montana, which were to be brought in on certain contingencies through proclamation of the President.

The committee of conference having failed in the first instance to agree, reported the disagreement to the two Houses, and on the 15th instant the House of Representatives adopted the following resolution, instructing the managers on the part of the House as set forth therein:

*Resolved*, That the House instructs the managers of the further conference on the part of the House to recede from the amendments of the House to the bill (S. 185) to provide for the admission of the State of South Dakota into the Union and for the organization of the Territory of North Dakota in the following respects:

"1. That the Territory of New Mexico and the proposed new State thereof may be excluded from the bill.

"2. That the bill may be so amended in conference as to provide for the admission of South Dakota by proclamation of the President under the Sioux Falls constitution, to be resubmitted to the people of South Dakota, with provisions for a new election of State and Federal officers and without a new vote on the question of division.

"3. Further providing that the proposed States of North Dakota, Montana, and Washington shall be admitted on the same basis, *i. e.*, all of them under proclamations by the President.

"Further, that such matters as relate to the election of delegates and the apportionment of the districts from which members of the convention are to be elected, the date of holding conventions and the date of resubmission of the South Dakota constitution, and the location of the temporary seat of government in South Dakota, and such other matters as are not included in the instructions above recited, be referred to the committee of conference for their discretion."

The managers on the part of the House have complied with these instructions and have also agreed to recommend that certain amendments insisted upon by the Senate conferees in reference to matters set forth in the latter part of the third paragraph of the foregoing resolution be agreed to. The bill as now agreed upon provides for the division of Dakota into two States without further vote on that question, and authorizes the people of North Dakota, South Dakota, Montana, and Washington to form constitutions and State governments. The Territory of New Mexico has been excluded from the bill.

The election of delegates to the constitutional conventions in each of said proposed States is to be held on the Tuesday after the second Monday in May, 1889, and the proclamation calling this election shall be issued by the governor of each Territory on the 15th day of April prior thereto.

In the proposed State of South Dakota, at the election for delegates to the constitutional convention, the electors may vote for or against "the Sioux Falls constitution," and if a majority shall vote in favor of that constitution the delegates when assembled in convention are required to amend that constitution in reference to the boundary and name, to the reapportionment of the judicial and legislative districts, and in such other manner as is required by this act, and to resubmit the same to the people, together with the articles and propositions separately submitted at the election in 1885, when the Sioux Falls constitution was adopted, including the question of locating the temporary seat of government. And if a majority should be against the Sioux Falls constitution, the delegates when assembled in convention shall proceed to form a new constitution in the same manner as if no proposition had been submitted in regard to the Sioux Falls constitution.

The constitutional conventions in all of the proposed States are required to assemble at the capitals of the Territories, except in South Dakota, in which the convention will assemble at Sioux Falls on the 4th day of July, 1889, and after constitutions have been formed as provided in the act, they are to be submitted to the people of the proposed States for ratification or rejection at elections to



be held in each on the first Tuesday of October, 1889, at which time the conventions may provide for the election of the officers for full State governments. If the constitutions and governments of said proposed States are republican in form, and if all the provisions of this act have been complied with in the formation thereof, it is made the duty of the President of the United States to issue his proclamation announcing the result of the election in each State, and thereupon the proposed States which have adopted constitutions and formed State governments, as herein provided, shall be deemed admitted by Congress into the Union, under and by virtue of this act, on an equal footing with the original States, from and after the date of the proclamation.

A provision is also inserted in the bill to the effect that if any of the proposed States shall reject the constitution submitted in October, the governor of the Territory shall reassemble the convention for the purpose of forming a new constitution or amending the rejected constitution. And all the provisions of this act, as far as applicable, are to apply to such convention so assembled and to the constitution it may form, to its ratification or rejection, and to the admission of the proposed State.

The provisions in regard to the public lands are retained substantially as passed by the House, with the exception that the proviso in regard to the settlement of the sixteenth and thirty-sixth sections of unsurveyed lands is stricken out, and it is provided that such lands shall not be subject to pre-emption, homestead entry, or any other entry under the laws of the United States, whether surveyed or unsurveyed, but shall be reserved for school purposes only.

Sections 21, 22, and 23 of the bill as now agreed upon provide for the creation of United States district and circuit courts in each of the proposed States, and for the appointment of a United States district judge, United States marshal, and United States attorney in each, and for the transfer of causes from Territorial courts to such courts as may thereafter have jurisdiction of such causes.

That part of the House amendment which authorized a vote in the Territory of Washington on the question of changing the name of that Territory is stricken out.

With these changes the bill is substantially the same as was provided in the amendment to the Senate bill which passed the House in the first instance.

All of which is respectfully submitted.

WILLIAM M. SPRINGER,  
GEO. T. BARNES,  
CHAS. S. BAKER,

Managers on the part of the House of Representatives.

The SPEAKER *pro tempore*. The gentleman from Illinois [Mr. SPRINGER] asks unanimous consent to dispense with the reading of the report of the committee of conference.

There was no objection.

On motion of Mr. SPRINGER the latter portion of the report, following section 25 of the amendment, was read as printed above.

Mr. SPRINGER. I demand the previous question on the adoption of the report, and I now yield to the gentleman from Georgia [Mr. BARNES].

Mr. BAKER, of New York. I suppose that after the previous question is ordered there will be fifteen minutes for debate on each side.

Mr. COX. Why debate it at all?

Mr. BAKER, of New York. I do not want to debate it, but I want to have the previous question ordered.

Mr. SPRINGER. I yield to the gentleman from Georgia [Mr. BARNES].

Mr. BARNES. Mr. Speaker, I do not rise for the purpose of making a speech. I know how useless it would be to make a speech at this stage in the history of this legislation. I merely wish to say a word or two in explanation of the position which I occupy on this question, and I shall do scarcely more than state what that position is.

I have united with the other conferees of the House in a statement which accompanies the report as evidence of the fact of the correctness of that statement in showing the history of the different stages of legislation on this subject in the various propositions which have been before the Senate and the House. I have tried to bring myself to the conclusion to sign this report, which has been signed by the three conferees on the part of the Senate and by two conferees on the part of the House. But, sir, after full and earnest and faithful reflection on this subject, with a deep desire to come to the same conclusion which has been reached by my associates, I could not conscientiously sign the report which they have signed, and I have therefore withheld my name from the recommendation in favor of the passage of this bill. I shall not attempt at this stage of the discussion to enter into any argument upon it. I will not weary or delay the House now. I have reasons, and they are controlling with myself. I shall content myself simply with a vote in the negative.

Mr. SPRINGER. I move the previous question.

The previous question was ordered; and under the operation thereof the report of the committee of conference was adopted.

Mr. SPRINGER moved to reconsider the vote by which the report was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to. [Loud applause.]

#### ORDER OF BUSINESS.

Mr. BLOUNT, Mr. TAULBEE, and others addressed the Chair.

The SPEAKER *pro tempore* (Mr. CRISP). The Chair will lay before the House a message from the President of the United States and several other executive communications.

#### LANDS OF SEMINOLE INDIANS.

The SPEAKER *pro tempore* laid before the House the following message from the President of the United States:

To the Congress:

I herewith submit for your consideration a communication from the Secretary of the Interior, transmitting a proposition made on behalf of the Seminole Nation of Indians for the relinquishment to the United States of their right to certain lands in the Indian Territory.

GROVER CLEVELAND.

EXECUTIVE MANSION, February 19, 1889.

The message, with the accompanying documents, was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. BLOUNT, Mr. TAULBEE, and others addressed the Chair.

The SPEAKER *pro tempore*. The House will please be in order. The Chair, acting under the rules, is laying before the House matters which are on the Speaker's table.

Mr. PEEL. I ask that the Committee on Indian Affairs be permitted to report back at any time on the message of the President, just referred.

The SPEAKER *pro tempore*. The gentleman from Arkansas [Mr. PEEL] asks unanimous consent that the Committee on Indian Affairs may have the privilege of reporting at any time on the message and accompanying papers just laid before the House, and referred to that committee.

Mr. RANDALL. I object.

Mr. TAULBEE. I desire to submit a privileged matter.

The SPEAKER *pro tempore*. The Chair desires to lay before the House, under the rule, papers which are on the Speaker's table and which are the first thing in order. What is the proposition of the gentleman from Kentucky [Mr. TAULBEE]?

Mr. TAULBEE. I desire to make a report—a privileged report.

The SPEAKER *pro tempore*. The Chair will first lay before the House several communications which are on the Speaker's table.

#### DEFICIENCY APPROPRIATIONS FOR DISTRICT OF COLUMBIA.

The SPEAKER *pro tempore* laid before the House a letter from the Acting Secretary of the Treasury, transmitting estimates of deficiencies in appropriations for the service of the District of Columbia for the fiscal years 1888 and 1889; which was referred to the Committee on Appropriations, and ordered to be printed.

#### IMPROVEMENT OF KEY WEST, FLA.

The SPEAKER *pro tempore* also laid before the House a letter from the Secretary of War, transmitting a preliminary report of a board of engineers upon the further improvement of the entrance to Key West Harbor, Florida; which was referred to the Committee on Rivers and Harbors, and ordered to be printed.

#### SUSPENDED LAND ENTRIES.

The SPEAKER *pro tempore* also laid before the House a letter from the Secretary of the Interior, transmitting a list of suspended land entries adjudicated by the Commissioner of the General Land Office and confirmed by the board of equitable adjudication for the year ending June 30, 1888; which was referred to the Committee on the Public Lands, and ordered to be printed.

#### WASHINGTON AND GEORGETOWN RAILROAD COMPANY.

The SPEAKER *pro tempore* also laid before the House the annual report of receipts and disbursements of the Washington and Georgetown Railroad Company; which was referred to the Committee on the District of Columbia, and ordered to be printed.

#### ENROLLED BILLS SIGNED.

Mr. ENLOE, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled the bill (H. R. 8557) for the relief of Dr. David Bell; when the Speaker signed the same.

#### CENSUS.

The SPEAKER *pro tempore* also laid before the House the bill (H. R. 1659) to provide for taking the eleventh and subsequent censuses; said bill having been returned from the Senate with amendments.

Mr. COX. If there be no objection, I would like to have these amendments of the Senate concurred in.

Mr. BLOUNT. I hope the gentleman will not press that proposition now.

Mr. COX. If there be objection I will not press it, but I do not think the proposition will be objected to.

The SPEAKER *pro tempore*. The Chair will submit the request of the gentleman from New York [Mr. Cox]. Unanimous consent is asked to consider now the amendments of the Senate to the bill the title of which has just been read. Is there objection?

Mr. RANDALL. Yes, sir.

The SPEAKER *pro tempore*. Objection is made.

Mr. COX. Allow me one moment.

Mr. TAULBEE. Certainly.

Mr. COX. I ask that the bill be referred to the Committee on the Census, with the privilege to report back at any time.

Mr. RANDALL. I object to that.

Mr. COX. It is urgent business.

Mr. RANDALL. There is other urgent business. There is objection to its coming back at any time.

#### WILLIAM ENGLISH.

The SPEAKER *pro tempore* laid before the House the bill (H. R. 3721) authorizing the President to appoint William English an officer in the regular Army of the United States, returned from the Senate with amendment.

Mr. HOOKER. I move that the amendment of the Senate be agreed to.

Mr. RANDALL. I object.



Mr. HOOKER. Let it remain, then, upon the table.  
The SPEAKER *pro tempore*. The Chair hears no objection, and that will be done.

## STATUE OF LEWIS CASS.

The SPEAKER *pro tempore* laid before the House the following resolutions:

*Resolved by the Senate (the House of Representatives concurring), That the thanks of Congress be tendered to the governor, and through him to the people of the State of Michigan, for the statue of Lewis Cass, whose name is so conspicuously connected with the development of the Northwest Territory and with eminent services to his State and country both at home and abroad.*

*Resolved, That the statue is accepted in the name of the nation and assigned a place in the old Hall of Representatives, and that a copy of these resolutions, signed by the President of the Senate and the Speaker of the House of Representatives, be transmitted to the governor of the State of Michigan.*

Mr. CHIPMAN. Mr. Speaker, I ask by unanimous consent that to-morrow at half past 3 o'clock in the afternoon these resolutions be considered by the House.

The SPEAKER *pro tempore*. Is there objection?

Mr. O'NEALL, of Indiana, and Mr. LYNCH objected.

Mr. CHIPMAN. Mr. Speaker, no one rises to object.

The SPEAKER *pro tempore*. The gentleman from Pennsylvania [Mr. LYNCH] and the gentleman from Indiana [Mr. O'NEALL] have objected.

Mr. CHIPMAN. Well, then, I will put the hour at 4 o'clock in the afternoon.

Mr. RANDALL. These resolutions can be considered by the House, and after they have been disposed of the House can then proceed to other business.

Mr. CHIPMAN. I will say 4 o'clock to-morrow afternoon.

Mr. LYNCH. I object.

The SPEAKER *pro tempore*. If there be no objection, the resolutions will be referred to the Committee on the Library.

There was no objection, and it was so ordered.

## LEAVE OF ABSENCE.

Mr. GALLINGER, by unanimous consent, was granted leave of absence for three days, commencing Thursday morning, on account of important business.

## LANDS OF SEMINOLE INDIANS.

Mr. PEEL. I ask by unanimous consent that the President's message which was laid before the House be withheld and be allowed to remain upon the Speaker's table.

The SPEAKER *pro tempore*. It has been laid before the House, and has been referred to the Committee on Indian Affairs.

Mr. PEEL. I desire that it shall remain upon the Speaker's table.

The SPEAKER *pro tempore*. If there be no objection, the Committee on Indian Affairs will be discharged from the further consideration of the President's message, and it will be allowed to remain upon the Speaker's table. Is there objection?

There was no objection, and it was ordered accordingly.

## STATUE OF LEWIS CASS.

Mr. ALLEN, of Michigan. Mr. Speaker, in view of the refusal to take up and consider the resolutions which have come from the Senate accepting the statue of Lewis Cass, will the Speaker please tell us what we are to do with the statue if it is not accepted?

The SPEAKER *pro tempore*. That is hardly a parliamentary inquiry.

A MEMBER. Take an evening session to the resolutions.

## PURCHASE OF PROPERTY IN THE DISTRICT.

Mr. TAULBEE. I rise to submit the report of the committee to investigate the purchase of real estate for the District of Columbia.

Mr. RANDALL. Has that committee the right to report at any time?

Mr. TAULBEE. Yes, sir.

Mr. BLOUNT. I rise to ask a question.

Mr. TAULBEE. What is it?

Mr. BLOUNT. Is the object of the gentleman from Kentucky to present his report in order to have it printed?

Mr. RANDALL. Has the committee the right to report at any time?

Mr. TAULBEE. It has the right to report at any time. You may rely on me for that. [Laughter.]

Mr. RANDALL. Examine the record.

Mr. TAULBEE. There is an order of the House authorizing the committee to report at any time by bill or otherwise. I request that the views of the minority be submitted with those of the majority, and, together with the accompanying testimony, be printed.

Mr. BAKER, of New York. With the reports?

Mr. TAULBEE. Certainly; and the whole matter be re-referred to the committee.

Mr. BAKER, of New York. I object to that. Let the committee be discharged from further action on the subject.

The SPEAKER. When was the report made?

Mr. TAULBEE. The report is now submitted.

Mr. RANDALL. Subject to the inquiry it is a privileged report, and that the committee has the right to report at any time.

Mr. TAULBEE. It is privileged. [Laughter.]

Mr. RANDALL. I have no recollection that leave was given the committee to report at any time.

Mr. TAULBEE. I do not desire to consume the time of the House by deciding questions of order. [Laughter.]

Mr. RANDALL. Well, no; I desire the Speaker to decide this question.

Mr. TAULBEE. I do not think the gentleman from New York would have any objection to the request I made.

Mr. BAKER, of New York. I have most decided objections.

The SPEAKER. The Chair will examine the resolution.

Mr. TAULBEE. A copy of the resolution is submitted in the report of the committee.

The SPEAKER. The resolution gives the committee leave to report by bill or otherwise at any time.

Mr. ROWELL. I move that the committee be discharged from the further consideration of the subject.

The SPEAKER. That motion is unnecessary. When a select committee makes its report, unless it be recommitted to the committee, it is necessarily discharged from the further consideration of the subject.

Mr. TAULBEE. I do not believe we will disagree; and I submit to the gentleman from Illinois that the object of the recommitment is for the purpose of correcting whatever mistakes may have been made in the testimony, and for the purpose of further considering whether or not the committee should take further action. I desire to state that I represent the minority of the committee.

Mr. BAKER, of New York. My friend is the minority.

Mr. REED. How many are there in the minority?

Mr. TAULBEE. I am the minority of the committee.

Mr. TOWNSHEND. What is the majority of the committee?

Mr. BLOUNT. I appeal to the gentleman from Kentucky—

The SPEAKER. This matter is not debatable except by unanimous consent.

Mr. RANDALL. I object to debate.

Mr. BLOUNT. I do not desire to debate the question, but simply to state to my friend from Kentucky that I yielded to him, as I understood, to ask consent to have the report printed. I now ask him to withdraw it, as it seems likely to lead to protracted debate.

Mr. TAULBEE. I did not bring about any protracted debate; it is not my fault.

The SPEAKER. The question is on the recommitment of the report. The question was taken; and on a division there were—ayes 59, noes 72.

Mr. TAULBEE. I make the point that no quorum has voted; and pending that, I demand the yeas and nays.

## MESSAGE FROM THE PRESIDENT.

A message, in writing, from the President of the United States, by Mr. PRUDEN, one of his secretaries, was received.

INVESTIGATION OF SCHOOL-SITE PURCHASES, DISTRICT OF COLUMBIA.

The SPEAKER. The gentleman from Kentucky demands the yeas and nays on the motion to recommit.

Mr. CHEADLE. Mr. Speaker, I desire to vote understandingly on the question that is submitted, and ask for a statement of the question.

The SPEAKER. The Chair has already stated it.

Mr. CHEADLE. There has been no statement as to the report. I am asked to recommit a report which I do not know anything about.

The SPEAKER. The gentleman has the right to have it read.

Mr. CHEADLE. Then I demand the reading of the report.

Mr. BAKER, of New York. I ask by unanimous consent the report of the majority be read, and that I think will satisfy everybody.

The SPEAKER. There is no report but that of the majority.

Mr. TAULBEE. In the reading of the report, on the demand of the gentleman from Indiana, does that also include the reading of the views of the minority?

The SPEAKER. It does not.

Mr. TAULBEE. I ask by unanimous consent they be read in connection with the report.

Mr. RANDALL. I object.

Mr. BROWNE, of Indiana. Let the evidence be read in connection with this report. [Laughter.]

Mr. BAKER, of New York. That will take too much time.

Mr. CRISP. Pending that, if all that mass of papers at the desk is to be read, I call up the contested-election case.

Mr. BAKER, of New York. That is the testimony. The reading of this bill will not take long.

The SPEAKER. The report is brief, and the Clerk will read it.

The Clerk read as follows:

The undersigned members of the committee appointed under a resolution of the House, a copy of which is as follows:

"IN THE HOUSE OF REPRESENTATIVES, January 14, 1889.

"Mr. HEMPHILL, from the Committee on the District of Columbia, submitted the following, which was agreed to:

"Whereas it is stated in certain newspapers that the commissioners of the District of Columbia have, in recent purchases of real estate within and for the use of the District of Columbia, paid to and through certain agents appointed or employed by them prices above that asked or received by the vendors or owners of such property, contrary to law: Therefore,



"Resolved, That the Speaker of the House of Representatives appoint a special committee of five members to investigate the matter of the purchases of real estate by the commissioners of the District, and report to the House in writing, at any time, by bill or otherwise; and that said committee be furnished a stenographer by assignment by the Speaker from the roll of stenographers now in the employ of the House; and that they be authorized to employ a clerk at a compensation of \$6 per day; and that said committee be authorized to sit during the sessions of the House and authorized to administer oaths and send for persons and papers; that the expenses of said investigation be paid out of the contingent fund of the House;" respectfully report:

That they have considered the evidence submitted upon such investigation, and which is hereto annexed, and upon the facts established find and report the following conclusion:

The commissioners of the District of Columbia in the exercise of their official duties have been charged with the duty of acquiring the title to certain real estate for school sites and other public uses in the city of Washington. In the absence of any express authority of law to employ an agent in the purchasing of such sites or to institute any proceedings for the condemnation of lands desired for public uses, they, in their discretion, requested Mr. John S. Cox, an attorney and real-estate agent, to assist in the procuring and purchasing of certain sites for such uses; that they stated to Mr. Cox that they were not authorized to accord any compensation, but that he must look to the persons from whom the purchases might be made for payment of any and all fees, commissions, or compensations; that certain purchases were made by the District, wherein said Cox acted mainly in the interest of the grantors to the District and received certain fees and commissions as a real-estate agent or attorney, aggregating about \$3,000 upon purchases of real estate aggregating in cost upwards of \$75,000; that as appears from the testimony of all the witnesses, and there is no evidence to the contrary, the several parcels of real estate purchased by or for the commissioners for the use of the District of Columbia were purchased at reasonable and fair prices; that in no instance was any exorbitant or unreasonable price paid by the commissioners of the District for school or other sites, and in our opinion the commissioners are, respectively, entitled to full exoneration from any charge or imputation of wrong.

The methods employed by the commissioners are, it is true, susceptible of abuse. It is indeed a question whether any method that may be prescribed by law may not be subject to abuse. The pending legislation pertaining to the purchases of sites contemplates a provision authorizing the District commissioners to employ an agent in such cases, and further conferring authority upon them to institute proceedings in the courts of the District of Columbia through which lands required for public uses may be acquired by condemnation and appraisal. There is no doubt in the minds of the undersigned that under either of the methods last mentioned the cost of the lands and sites acquired, as shown by the testimony, would have been much greater than it was under the method practiced by the commissioners.

We feel it due, in conclusion, to state that there were but two questions raised by the investigation: First, was any wrong or fraud perpetrated upon the public in the several purchases in question, or in any of them? Secondly, were the commissioners, or either of them, guilty of any disposition to co-operate in any way in the acquisition of said sites, or any of them, at prices above their real value? To each of these questions we unhesitatingly answer in the negative. All of which is respectfully submitted.

W. H. F. LEE.  
J. LOGAN CHIPMAN.  
J. H. ROWELL.  
CHARLES S. BAKER.

#### MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. McCook, its Secretary, announced the passage of a concurrent resolution, that in the enrollment of the bill (S. 3640) to amend the laws relating to the selection and service of jurors in the supreme court of the District of Columbia, the Committee on Enrolled Bills is authorized and directed to strike out the word "fifty-two" where it occurs in the first line of section 8 and substitute the word "sixty-two," and requested concurrence therein.

It also announced that the Senate had disagreed to the amendments of the House to the bill (S. 2511) to provide for the disposal of certain public lands of the United States under the provisions of the homestead laws only, asked a conference thereon, and had appointed as managers on its part Mr. PLUMB, Mr. HISCOCK, and Mr. BERRY.

It further announced the passage of bills of the following titles; in which concurrence was requested:

A bill (S. 3751) for the relief of certain settlers in Hettinger County, Dakota;

A bill (S. 3938) granting the use of certain lands in the Hot Springs reservation, in the State of Arkansas, to the Hot Springs Benevolent Association; and

A bill (S. 3921) to authorize the Kentucky Union Railway Company to construct a bridge across the Kentucky River and its tributaries.

#### APPOINTMENT OF CONFEREES.

The SPEAKER laid before the House the bill (S. 2511) to provide for the disposal of certain public lands of the United States under the provisions of the homestead laws only; and by unanimous consent an order was made that the House insist upon its amendments and agree to the conference requested.

Mr. HOLMAN, Mr. PAYSON, and Mr. McRAE were reappointed as conferees on the part of the House.

#### INVESTIGATION OF SCHOOL-SITE PURCHASES, DISTRICT OF COLUMBIA.

Mr. TAULBEE. I demand the reading of the proof, as it has been made a part of the majority report.

Mr. RANDALL. It is not a part of the report.

The SPEAKER. The rule of the House as it has been laid down is that the matter which is to be voted upon shall be read if the reading is demanded; but if it is insisted that the proof shall be read, that question will have to be decided by the House. The House does not vote upon the proof. It is simply a question now with the House whether it shall have it read or not.

Mr. TAULBEE. I desire to state that I have no purpose whatever

to consume the time of the House, but I ask that this report be re-committed. If I understood the reading of the majority report the proof constitutes a part of that report in express terms.

The SPEAKER. All committees of investigation are required to report back the evidence taken, but it constitutes no part of the matter upon which the House is required to vote.

Mr. TAULBEE. I think that as they have referred to the proof in their report, it becomes a part of the report; and I dare say that gentlemen will readily understand how it would be unfair for the House to vote on the majority report after the reading of the proof, without having heard or read the views of the minority.

Mr. BAKER, of New York. Is debate in order?

The SPEAKER. It is not. The Chair thinks this is altogether unusual upon a motion to recommit.

Mr. TAULBEE. My point of order is, that the proof is a part of the report.

The SPEAKER. The Chair overrules the point of order; and will, if the gentleman insists upon the reading, let it be decided by the House whether it shall be read or not.

Mr. TAULBEE. I do not insist. I do not want to take up the time of the House.

The SPEAKER. Only fifteen gentlemen have arisen in support of the demand for the yeas and nays, and the yeas and nays are refused.

Mr. TAULBEE. Now, Mr. Speaker, I had made the point of no quorum.

The SPEAKER. The gentleman made the point of no quorum, and the Chair will appoint as tellers the gentleman from Kentucky [Mr. TAULBEE] and the gentleman from New York [Mr. BAKER].

The tellers took their places, and after some time spent in the count,

Mr. TAULBEE said: I will withdraw the point of no quorum.

Mr. BAKER, of New York. I do not withdraw it.

Mr. TAULBEE. I do not care; I am ahead.

Mr. BAKER, of New York. Mr. Speaker, the gentleman from Illinois [Mr. HENDERSON] voted in the affirmative under a misapprehension.

Mr. TAULBEE. I have no objection to the change of the vote if I could have an opportunity to see some of our members and see if they did not vote under a misapprehension.

The tellers reported—ayes 83, noes 86.

So the motion to recommit was not agreed to.

Mr. BAKER, of New York. Now, I move to reconsider the vote by which the House refused to recommit the report; and also move to lay that motion on the table.

Mr. TAULBEE. Can the gentleman from New York make that motion to reconsider and lay on the table, as he did not make the report?

The SPEAKER. The Chair understands the gentleman from New York to make the report from the committee.

Mr. TAULBEE. But I made the report.

The SPEAKER. The gentleman from New York represents the majority, and the majority represents the committee. The gentleman from Kentucky represents the minority.

Mr. TAULBEE. I yield to the gentleman from New York. [Laughter.]

Mr. BAKER, of New York. I now move to reconsider the vote by which the House refused to recommit the report; and also move that the motion to reconsider be laid on the table.

Mr. TAULBEE. I hope that will be done without debate, but on that motion to lay on the table I will demand the yeas and nays. Before doing so I make the point of order that the gentleman has no right to make the motion to reconsider and to lay that motion on the table.

The SPEAKER. The point of order is overruled.

The question was put on laying the motion to reconsider on the table; and the Speaker announced that the ayes seemed to have it.

Mr. TAULBEE. Division.

The House divided; and there were—ayes 70, noes 21.

Mr. TAULBEE. There is no quorum.

The SPEAKER appointed as tellers the gentleman from New York [Mr. BAKER] and the gentleman from Kentucky [Mr. TAULBEE].

Mr. RANDALL. Has that testimony been ordered by the House to be printed?

The SPEAKER. Not yet.

Mr. RANDALL. That is why I object.

Mr. TAULBEE. I only ask for the usual number to be printed, and I believe it is customary for the testimony to be printed with the report without a motion.

The SPEAKER. The usual number will be printed without a motion, and the request of the gentleman from Kentucky [Mr. TAULBEE] is that the views of the minority may be printed with that usual number. Is there objection?

There was no objection, and it was so ordered.

The motion to lay the motion to reconsider on the table was agreed to—ayes 129, noes 31.

Mr. BAKER, of New York. Mr. Speaker, I move to postpone the report indefinitely, and upon that I call the previous question.

Mr. TAULBEE. Mr. Speaker, I had not intended to make any fur-



her motion, but I think this report might be allowed to take the usual course. If the gentleman does not desire to consume further time, he had better let the report lie upon the Speaker's table.

The SPEAKER. The gentleman from New York [Mr. BAKER] demands the previous question upon his motion.

Mr. TAULBEE. I hope the previous question will be ordered.

The previous question was ordered.

Mr. TAULBEE. Now, Mr. Speaker, I desire to be recognized in opposition to the motion. [Laughter.]

The SPEAKER. The gentleman has fifteen minutes.

Mr. TAULBEE. Mr. Speaker, I ask the Clerk to read the views of the minority as a part of my remarks.

The Clerk read as follows:

#### VIEWS OF THE MINORITY.

The undersigned dissents from the views expressed in the foregoing report, and submits the following conclusions:

The testimony taken before the committee, as sworn to by the witnesses, is relied upon to establish the conclusions hereinafter submitted; but the testimony as submitted with the majority report has, since it was taken, been so changed and modified as to admit of a possible doubt of the conclusions of the minority.

For instance, the testimony as given by Mr. John F. Cox touching the relationship which he bore in the matter of purchases of real estate for the District of Columbia tends to establish the conclusion that he acted as the agent for the commissioners; but the testimony as submitted leaves room for possible doubt on this subject. For instance, in his testimony concerning the purchase of the property in square 796 the following question was asked him: "Q. Did you always submit it to him?" (meaning Commissioner Webb). His answer was: "A. Always to him." But as the testimony reads which the majority of the committee submit with their report his answer reads: "A. Always in the case of school sites." In this connection the further question was asked him: "Did you do it in the case of police-station sites?" His answer as sworn to was: "I think so. After that Mr. Webb was in the habit of getting Mr. Entwistle, inspector of buildings, to consult with me as to the reasonableness of the price of the property offered, and in addition to that he would also call upon the trustees in a particular district."

The answer given in the testimony as submitted with the majority report is, "Not to Mr. Wheatley. After that the commissioners were in the habit of getting Mr. Entwistle, inspector of buildings, to consult with them as to the reasonableness of the price of the property offered, and in addition to that they would also call upon the trustees in a particular district."

Touching the same matter, the following question was asked Mr. Cox: "Did you pay the money to the persons from whom the purchase was made, or did the commissioners pay it?" To which he gave the following answer: "The commissioners paid it." But the testimony as submitted makes him answer, "The commissioners did not pay it." In this same connection, touching the matter of his purchase of this property as to the time, the following question was asked of Mr. Cox: "Was that?" (meaning his purchase of the property) "before or after you had been called upon by the commissioners of the District to purchase property for the District?" His answer as given on oath was, "It was after." In the proof submitted by the majority of the committee Mr. Cox is represented as giving the following answer: "It was before."

Many other changes materially affecting the issues raised by the investigation have been made in the testimony without the formal consent of the committee. The testimony as detailed before the committee establishes the fact that Mr. Cox was not a real-estate agent at the time of making these purchases; but that his services were in some way not fully explained by the testimony procured by the commissioners in the matter of purchases of real estate. The fact, however, that he acted as the agent of the commissioners in these purchases, and that they fully relied on his conduct as such agent of the negotiations without ever questioning his methods or the prices submitted to them through him, can not be doubted by any one who will read the testimony, even in its modified form, as submitted by the majority of the committee. Whether his agency was absolute, or in the nature of a quasi agency, as stated by one of the commissioners in his testimony, it is immaterial as to the views here submitted.

The further fact is established by the testimony of divers persons from whom purchases were made that Mr. Cox acted also as their agent in selling the property to the District. This dual agency enabled Mr. Cox to purchase property from the owners at a given price and to sell it to the District for a greater price, the profits thus realized being greatly in excess of the ordinary and usual commissions paid to regular dealers in real estate. For example, in the purchase of the property known as the ninth precinct station Mr. Cox's testimony, as detailed before the committee, clearly establishes the fact that after the site was agreed upon as a desirable one for this purpose, and a personal inspection of the premises had been given by Mr. Cox, Commissioner Wheatley, and the chief of police, Mr. Cox proceeded to purchase the property for himself. But, for reasons which have not been explained to the satisfaction of the minority of the committee, the purchase was had in the name of a third party, who is shown to have had no real interest in the transaction, from which third party a different and higher price was submitted to the commissioners of the District, and by them accepted, the difference in the two prices going to Mr. Cox, the commissioners paying the price accepted by them to the third party per G. Repetti, attorney, which attorney is shown to have been an interested party in the original ownership of the property and a member of the firm of Weller & Repetti, who had the property for sale as agents of real estate.

So also in many of the other purchases; parties wholly disinterested in the transaction were used as intermediaries through whom the purchases and conveyances were made, when Mr. Cox was the real party in interest and the party to whom the profits inured.

The testimony establishes the further fact that in most of the cases in which Mr. Cox acted as purchaser or vendor (or whatever relationship he may have sustained both to the commissioners and the original owners), it is shown that the names of disinterested parties were used in the conveyances, the profits in each case, however, inuring to Mr. Cox.

The fact that the commissioners knew, or that they in any event could have known, by the exercise of reasonable diligence, or even a casual observation of the affairs of their office, the full nature of Mr. Cox's connection with these transactions in the beginning of his operations and prior to his opening negotiations for subsequent purchases, can not be reasonably questioned by any one who will read the testimony.

The minority of the committee do not agree with the conclusions of the majority to the effect that but two questions were raised by the investigation, namely, "was any wrong or fraud perpetrated upon the public in the several purchases in question, or any of them; and, secondly, were the commissioners or either of them guilty of any disposition to co-operate in any way in the acquisition of said sites, or any of them, at prices above their real value," and that "to each of these questions unhesitating answers in the negative" should be given. But, in the opinion of the minority of the committee the questions to be determined are, did the commissioners exercise proper diligence and caution

in the purchase of property for the District; did they purchase the property as cheaply as they could have done by negotiating directly with the owners; and did they exercise reasonable and ordinary diligence in preventing a waste of the money belonging to the District of Columbia?

On these points the minority of the committee believes that the testimony establishes beyond question the fact that in most of the cases in which Mr. Cox acted as the intermediary, the purchases could have been made from the owners of the property at the price which the District paid, less the profits resulting by the transaction to Mr. Cox.

And while the commissioners, in the opinion of the minority of the committee, have not profited or attempted to reap any profits to themselves from any of these transactions, they unquestionably had an understanding with Mr. Cox, their warm personal friend, that he should by these transactions make an unreasonable and unusual profit.

The minority of the committee is neither unmindful of, nor indifferent to, the fact that the duties devolving upon the commissioners of the District of Columbia are extraordinary and difficult to perform; but the extraordinary nature of these duties, and the difficulty liable to be encountered in an efficient performance of them, tend rather to establish the conclusion that the most efficient, diligent, and painstaking method of performing these duties should be employed rather than the conclusion that a wide latitude should be given to the commissioners in these matters, clothed as they are with extraordinary powers and prerogatives.

And while the commissioners, in the opinion of the minority of the committee, have not been guilty of anything that would be considered criminal, their methods have been unwise and injudicious, and it savors of a favoritism, the result of which has enabled those favored by them to realize extraordinary compensation for the work necessary to be performed in the matter of these purchases at the expense of the interests of the tax-payers of the District of Columbia.

The minority recommends that Congress prohibit by proper legislation the repetition of these questionable methods of administering the affairs of the District, and thus check the evident tendency to manage the public affairs of the District in the interest of individuals and private interest.

W. P. TAULBEE.

Mr. TAULBEE. Mr. Speaker, I shall content myself with a single additional observation, and that is that members doubtless have been cognizant of the difficulties which I have encountered at every step looking to this investigation, from the introduction of the first resolution on the first bill day of the present session down to this time. I wish now to say that I am willing that the House may take this matter and deal with it as they deem proper, I, however, having the consciousness that I have discharged the duty which devolved upon me to the best of my ability. If some gentleman desires to speak upon the other side I reserve the remainder of my time. If not, I am willing that we shall now have a vote.

Mr. BAKER, of New York. Vote.

The question was taken on the motion to postpone the report indefinitely; and it was agreed to—ayes 57, noes 34.

#### ORDER OF BUSINESS.

Mr. BLOUNT. Mr. Speaker, I ask by unanimous consent the morning hour be dispensed with and that gentlemen having reports from committees to present be allowed to file them with the Clerk for reference under the direction of the Speaker; also that members of the minority have a right to present their views.

Mr. TAULBEE. I will object to that after the fight which the gentleman [Mr. BLOUNT] has made against the privileged report.

Mr. BLOUNT. I have not made any fight against your report.

Mr. TAULBEE. I withdraw my objection, Mr. Speaker.

The SPEAKER. Is there further objection to the request of the gentleman from Georgia?

There was no further objection, and it was so ordered.

#### FILING OF REPORTS.

The following reports were filed by being handed in at the Clerk's desk:

ELIZA MURPHY.

Mr. LAWLER, from the Committee on War Claims, reported back favorably the bill (H. R. 12209) for the relief of Eliza Murphy; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

LIFE-SAVING STATION AT MOUTH OF COQUILLE RIVER, OREGON.

Mr. TARSNEY, from the Committee on Claims, reported back favorably the bill (H. R. 11643) providing for the establishment of a life-saving station at the mouth of Coquille River, Oregon; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

COL. JESSE H. STRICKLAND.

Mr. GEAR, from the Committee on Military Affairs, reported back the bill (H. R. 4847) for the relief of Col. Jesse H. Strickland, Eighth Tennessee Cavalry; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

GEORGE W. FISHER.

Mr. SIMMONS, from the Committee on Claims, reported a bill (H. R. 12630) for the relief of George W. Fisher; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

GEORGE H. BECKWITH.

Mr. STONE, of Kentucky, from the Committee on War Claims, reported a bill (H. R. 12631) for the relief of George H. Beckwith;



which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

TITLE TO LOTS, JUNEAU, ALASKA.

Mr. HEARD introduced a bill (H. R. 12629) to enable the inhabitants of the town of Juneau, Alaska, to obtain title to the lots improved by them in said town; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

JULIA M. EDIE.

Mr. WHEELER. I rise to a privileged question. On the 30th day of January the previous question was ordered on a bill (S. 3325) granting an increase of pension to Mrs. Julia M. Edie, and I would like to have that bill considered now. It is a privileged matter.

Mr. BLOUNT. I must raise the question of consideration against that bill.

The SPEAKER. The gentleman from Alabama [Mr. WHEELER] will send up the bill.

Mr. WHEELER. Is objection made? If it be understood that I may have an opportunity to bring up this measure when the appropriation bills are out of the way, I am willing to yield—

Mr. RANDALL. No, sir; nothing of that sort is agreed to.

The SPEAKER. This is a privileged matter; the gentleman from Alabama will please send up the bill.

Mr. BLOUNT. I must raise the question of consideration.

The SPEAKER. The Chair understands the gentleman to do so; but the title of the bill must be read that the House may understand what is the question.

The Clerk read the title of the bill, as follows:

A bill (S. 3325) granting an increase of pension to Julia M. Edie.

The question being taken, Will the House now proceed to consider the bill? it was determined in the negative.

Mr. WHEELER. I will not press this matter further just now, but will call it up hereafter as soon as I can get an opportunity.

ENROLLED BILL SIGNED.

Mr. FISHER, from the Committee on Enrolled Bills, reported that they had examined and found duly enrolled the bill (S. 139) to credit and pay to the several States and Territories and the District of Columbia all moneys collected under the direct tax levied by the act of Congress approved August 5, 1861; when the Speaker signed the same.

POST-OFFICE APPROPRIATION BILL.

Mr. BLOUNT. I move that the House now resolve itself into Committee of the Whole to resume the consideration of the Post-Office appropriation bill.

The motion was agreed to.

The House accordingly resolved itself into the Committee of the Whole on the state of the Union (Mr. TURNER, of Georgia, in the chair), and resumed the consideration of the bill (H. R. 12490) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1890.

The pending amendment was read, as follows:

On page 3, in lines 1 and 2, strike out "\$1,200" and insert "\$900," so as to read:

"Secretary and stenographer to postmaster, five classes: salary, graded in even hundreds of dollars, from \$900 to not exceeding \$1,600 per annum."

The CHAIRMAN. When the committee rose the vote was being taken by tellers on this question, and no quorum having voted, the Chair had appointed as tellers the gentleman from Indiana [Mr. HOLMAN] and the gentleman from Georgia [Mr. BLOUNT]. The tellers will now resume their places.

The committee divided; and the tellers reported—ayes 17, noes 142.

Mr. HOLMAN. The vote shows very nearly a quorum, and I will not insist farther on the point.

So the amendment was rejected.

Mr. HOLMAN. I move to amend by striking out "\$1,200" and inserting "\$1,000."

The question was taken on the amendment; and there were—ayes 15, noes 74.

Mr. HOLMAN. No quorum has voted.

The CHAIRMAN. The Chair will appoint tellers.

Mr. HOLMAN. I wish to suggest a vote be allowed on this question in the House.

Mr. BLOUNT. I can not agree to that. The gentleman from Indiana [Mr. HOLMAN], in pursuing this policy all along the line—but I will not give any reason.

Mr. HOLMAN. I will not press the point of "no quorum," although I regret very much that the Committee of the Whole has made this decision.

The CHAIRMAN. On this question the tellers report—ayes 15, noes 74; so the amendment is rejected.

The Clerk read as follows:

Cashier, five classes, salary: graded in even hundreds of dollars, at \$1,800, \$2,000, \$2,200, \$2,400, and not exceeding \$2,600 per annum.

Mr. HOLMAN. I desire to raise a point of order on this paragraph,

upon the ground that it embraces legislation not authorized by the unanimous consent given by the House under the order to which attention has already been called. I desire to be heard a moment upon this point.

Mr. Chairman, there is no ambiguity in the language of the consent given by the House making certain matter in order on this bill. The request was for permission to classify the clerical force in the post-offices—the clerical force in the post-offices. It has been said in the progress of this discussion, by the gentleman of Georgia, that official records may sometimes be referred to for the purpose of ascertaining the meaning of a term. I have before me the classification of employes—all of them or certain of them—in the post-offices. Among others, I find in this classification assistant postmaster, chief clerk, superintendent of division, and then a number of clerks—mailing, general-delivery, stamp, registry, money-order, stamper, porter, janitor or general utility, night, distributing, superintendent of stationery.

In the proper place in this report cashiers are mentioned. I take it for granted that the Chair will decide that the term "clerk," as made use of in the agreement consented to by the House, meant just exactly what the word itself implies, and that the purpose was a classification of the clerks in the post-offices as in the Departments; because in the colloquy that occurred that inquiry was expressly made and was answered in the affirmative. Officers of this class—cashiers—are not "clerks" within the meaning of that agreement. I concede that if the request had been to classify the "employes" in the post-offices it would have covered not only clerks but superintendents, cashiers, and other employes; but the term "employé," a general term, was not employed; no general term was employed from the beginning to the end of that colloquy. The understanding was that clerks alone were to be classified, as in the Departments.

Mr. BLOUNT. Mr. Chairman, there is little that I can say, or, as I think, that needs to be said, on this point. The gentleman from Indiana has stated that he has before him the list of employes in the Department.

Mr. HOLMAN. No; I referred to the report made by you, your own classification.

Mr. BLOUNT. Well, it is the same thing. The report made by me contains a statement from the Postmaster-General of the number of employes. The subject is the classification of clerks, and he sends in that list.

There is no such thing known in the statutes relating to the Post-Office Department as a "cashier;" there is no such thing known to the statutes as "paper distributors" or "letter distributors;" and so I might go on with nine-tenths of the designations of the clerks in the various post-offices.

The CHAIRMAN. The Chair will ask the gentleman from Georgia whether the duties assigned to cashiers have hitherto been performed by clerks.

Mr. BLOUNT. All the while, sir; never an exception.

Mr. HOLMAN. I would be glad to be heard on that point.

The CHAIRMAN. The Chair will hear the gentleman again.

Mr. HOLMAN. I desire to be heard further, because if the ruling on this point should be such as to defeat the intention of the House in the consent which was given, it will of course prevent anything of that kind ever occurring again so far as those gentlemen now present are concerned, I hope.

Now, Mr. Chairman, this proposition is subject to the additional objection, according to the statement of the gentleman from Georgia himself, that the office of cashier is not now known to the law. This is, therefore, new legislation, and legislation to which consent has not been given.

Will the Chair permit me to inquire if there is any law now creating the office of cashier, and, if not, whether this bill does not create that office? Can it be held, under this appropriation bill, this office of cashier can be created?

It seems to me to be utterly impossible there is any ground upon which this classification of clerks can stand. The gentleman brings in a bill providing for a cashier. Suppose the assistant postmaster performs his duties, or suppose the superintendent performs his duties, does that authorize their classification as clerks?

Mr. Chairman, good faith and fairness are jewels in all legislative bodies as well as in all other human transactions. When it was asked to classify these clerks, as in the other Departments, everybody here understood what that meant. It meant exactly what it said, that they should be classified as in other Departments. You do not classify cashiers; you do not classify superintendents in the other Departments; you classify clerks into first, second, third, and fourth classes. That was the permission asked, and that was the permission granted. I appeal in the interest of fair dealing that the gentleman from Georgia has no right to build on that a general consent giving permission which the words themselves do not express. The permission was to classify clerks. If cashiers are to be classed as clerks and a new office created then there is not a single employé in the Post-Office Department except perhaps the Postmaster-General himself and the Assistant Postmaster-General who may not be classified as clerks, no matter what may be their business. Superintendents are provided for, and yet will



anybody say a superintendent is a clerk in the understanding of any of the Departments? We are now acting on a rule of consent, and that rule ought not to receive a strained meaning. Common fairness requires the rule should receive the meaning intended at the time the permission was asked and granted. If the gentleman from Georgia had asked permission to make the classification provided for in this bill I would not have given my consent, but would have objected. When permission was asked to classify the clerks in the Post-Office Department we knew what such classification meant; that the clerks should be classified, as in other Departments, into first, second, third, and fourth classes.

Mr. BLOUNT. Does the gentleman understand this bill proposes to classify clerks in the Post-Office Department?

Mr. HOLMAN. I asked this question in this colloquy—

Mr. BLOUNT. The gentleman does not apprehend me. He used the expression, "Here is a proposition to classify clerks in the Department."

Mr. HOLMAN. If he understood me correctly, he understood me to say in that colloquy it was a classification in that Department; that is, into first, second, third, and fourth classes, as in every other Department.

Mr. BLOUNT. I wish to say a word right here. Now, the gentleman from Indiana [Mr. HOLMAN] has alluded to the question of frankness. I regret in his zeal to accomplish any purpose he should forget to be fair and decorous himself. I hope to be decorous to the gentleman from Indiana. It is due to myself and to the House. That colloquy disclosed there was no bill proposed at all. The committee had not acted on it. The gentleman from Tennessee [Mr. McMILLIN] suggested we should wait until we had agreed on a bill. The proposition was simply to classify the clerks. After that had been agreed to the gentleman from Indiana attempts to create the impression—but I am quite sure that he can not do it in the mind of the Chair—that some of the clerks are designated as cashiers. I am addressing a high intelligence when I am addressing the Congress of the United States, and I do not discuss this as though I were discussing it before a petty jury.

Mr. HOLMAN. That is hard on the jury.

Mr. BLOUNT. Here it is in the bill itself:

For compensation to clerks in post-offices, \$6,550,000.

That is the fault of that appropriation for more than a decade. There is no designation of a single person beyond that of clerk in the Post-Office Department. For convenience it has been found necessary to designate some of the clerks as cashiers, some as finance clerks, some as superintendents of divisions, some as separators and assorters; entirely a matter of regulation which the Postmaster-General has authority to make.

Now, when we come to classify the clerks, we have seen proper to call the clerks assigned to a certain duty by a particular name for the purpose of convenience. I might call them by some other name than cashiers, and still assign them to that duty; but what avail would that be? They are still clerks, and it is simply a matter of convenience to so designate them, and nothing more. This designation, then, is inserted here because it is a convenient thing in an office to know when a man is called a "cashier" that he has a certain class of clerical duties to perform, and when he is called a "stamp clerk" that he has another special class of duties to perform, and so on throughout the list. These men are assigned to duty and their designation indicates the duty to which they are assigned, and that is all. It is simply a matter of convenience, and ever since I have been a member here these persons have been provided for in the appropriation bills under the designation of "clerks in post-offices," and the reports of the Postmaster-General, so far as I know, have indicated the same designation all the way through.

The CHAIRMAN. The Chair is ready to rule upon the question of order.

Mr. BINGHAM. I should like to be heard for a few moments.

The CHAIRMAN. The Chair will hear the gentleman from Pennsylvania.

Mr. BINGHAM. Mr. Chairman, this legislation in this bill pertains only to first and second class post-offices, and in these two classes of offices there are two designations of the subordinate force, the one being "clerks" and the other being "carriers." Legislation covers the classification of the carrier force already. But for years past the Department have been trying to classify the clerical force of these first and second class post-offices. In the report of the Postmaster-General a year ago this classification was recommended, but it is more complete in this bill than in the report that he submitted, which, as I have said, was a recommendation for the classification of the clerks. In this bill there has been the creation of no offices and no indication of new offices other than that which has been always used in the first and second class post-offices.

The mere expression, as used in the bill, of "cashier" or "superintendent" is simply the designation of a clerk, used for convenience—a man paid under the appropriation for the clerical force, acting as a cashier or acting as a clerk, as the case may be, under the appropriation for clerical allowance in that office.

Every man in the first or second class offices is either a clerk or a car-

rier, and the indication of his specific name is simply inserted here as a matter of convenience in the office, which title describes the line of duty or service which he performs. The cashier is simply a clerk having charge of the finances of the office; and, Mr. Chairman, he has been paid in every appropriation bill under the head of appropriations for clerical hire for post-offices.

Mr. HOLMAN. One word, Mr. Chairman, on that point. I insist that the terms used here should be the same as are commonly employed; and that is all I have asked. The Chair will take into account any Department of this Government and see the application of the point I make. Take, for instance, the Treasury Department. Is the cashier there designated as a clerk? Go into the banking houses of the country, where both terms "cashier" and "clerk" are employed; is the cashier a clerk, or is the clerk a cashier? Go into any business establishment in the country and you will see that there is a clear distinction in the terms.

But the point I sought to make is that in any event here is an attempt to create an office by a new law, to create an office hitherto unknown to the law—that is to say, it is admitted that the office of cashier is unknown by that designation. Somebody had to perform the duty. That is true; but is it not legislation to designate an employé in an office as "cashier," giving him a name and character hitherto unknown in this service, when there is no law authorizing such a designation? Would that not be new law itself? So if you depart from the matter really in hand, the point of order is clearly applicable against the appropriation; for the Chair can not hold that a cashier is in the ordinary sense of the term a clerk. If the Chair can so hold, my point of order should be overruled. But if on the other hand the terms "clerk" and "cashier," as usually employed, do not mean the same thing, but indicate different functions or employments, I insist my point of order should be sustained, and that bad faith should not result in this, that a consent given for one object should be, by interpretation, applied to an entirely different purpose—that is, the creation of the office of cashier—when the consent of the House was simply to the classification of clerks, and that only.

Mr. CANNON. If the Chair will allow me, just a single word on the classification of clerks. If the Chair will look on page 2 of the bill, at lines 12 and 13, he will find that it reads: "The Postmaster-General is hereby authorized to classify and fix the salaries of clerks and employés." That is legislation; and then you go ahead and detail what the employés shall do. Now, as they are reached, one by one, the gentleman from Indiana makes the point of order upon the employés and does not make the point of order upon the clerks.

Mr. BLOUNT. I simply want to state the additional fact that he does perform clerical work.

Mr. HOLMAN. And the Postmaster-General and the First Assistant Postmaster-General do clerical work; but does that make the Postmaster-General a clerk in the ordinary sense of the word?

The CHAIRMAN. The Chair thinks the order heretofore granted should receive its reasonable intendment. So far as the Chair knows the duties heretofore performed by clerks are now to be performed by some one to be designated—as cashier in this instance. The order giving the power to classify did give the power to make new legislation to that extent; and the order to classify, the Chair thinks, included the power to designate the duties of each class. The Chair, therefore, overrules the point of order.

Mr. KERR. I move to strike out the last word.

Mr. BLOUNT. I wish the gentleman would yield to me for a moment.

The CHAIRMAN. Does the gentleman from Iowa yield?

Mr. BLOUNT. I wish to move that the committee rise. I have agreed to make that motion at ten minutes to 5.

Mr. KERR. I only want two minutes; but, Mr. Chairman, so many gentlemen seem to be anxious that the committee shall rise that I will not hold the floor. I rose for the purpose of moving that this section be stricken out.

Mr. BLOUNT. There are only a few minutes more, and I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and Mr. DICKERY having taken the chair as Speaker *pro tempore*, Mr. TURNER, of Georgia, reported that the Committee of the Whole had had under consideration the bill (H. R. 12490) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1890, and had come to no resolution thereon.

#### ORDER OF BUSINESS.

Mr. PEEL. I am directed by the Committee on Indian Affairs to make the privileged report which I send to the Clerk's desk, and I ask unanimous consent to extend the time of the session before taking recess. It will take only a little time to consider it.

The SPEAKER *pro tempore*. The gentleman from Arkansas [Mr. PEEL] asks that the session be extended until the completion of the consideration of this report. Is there objection?

Mr. CANNON. Are we not to have a session to-night, and can not this come up to-morrow?



Mr. PEEL. It is not a conference report. I ask the Clerk to read the bill.

Mr. HOLMAN. I ask unanimous consent to make a request before that. I want to ask unanimous consent that the Committee on Public Lands have to-morrow night for a session.

Mr. RANDALL. I object.

Mr. HOLMAN. Then I object.

Mr. PEEL. It is privileged.

The SPEAKER *pro tempore*. The Chair understands that the gentleman desires to consider the Senate bill. The Clerk will read the title of the bill, and then the Chair will submit the request.

The Clerk read as follows:

A bill (S. 3920) to ratify and confirm an agreement with the Muscogee (or Creek) Nation of Indians in the Indian Territory, and for other purposes.

Mr. PEEL. Mr. Speaker, that subject was referred to the committee with the President's message with leave to report at any time.

Mr. RANDALL. I ask that the time be extended so as to dispose of this matter and the census matter.

Mr. COX. All right.

The SPEAKER *pro tempore*. The Chair will state the request. The gentleman from Pennsylvania asks unanimous consent to extend the time of the session until the completion of the consideration of this bill and the bill relating to the census.

Mr. MILLS. I object. Let them come up in the morning.

Mr. RANDALL. I object to the substitution.

Mr. BAYNE. I object to the substitution of the Senate bill for the House bill.

Mr. WEAVER. I rise to a point of order.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. WEAVER. The point of order I make is that the objection does not lie. It was a subject that was referred to the committee, and not a particular bill; and the President's message in this regard was referred to the committee.

Mr. PEEL. The Speaker of the House informed me that I had a right to report it at any time.

Mr. BAYNE. I withdraw my objection.

Mr. RANDALL. I renew it.

Mr. PEEL. I desire to say that the message of the President of the United States relating to this matter was referred to the Committee on Indian Affairs, with leave to report at any time; and the Speaker said that I could.

Mr. RANDALL. Yes; on a House bill at any time.

Mr. PEEL. It is exactly like the bill of the House.

The SPEAKER *pro tempore*. It is impossible for the Chair to decide the point of order in the time remaining of the session before 5 o'clock unless the time is extended. The Chair is not familiar with the terms of the order granting the Committee on Indian Affairs the right to report upon this matter at any time.

Mr. RANDALL. I ask that the time be extended.

Mr. MILLS. I object.

Mr. PEEL. I ask that the time be extended five minutes.

Mr. MILLS. I object.

The SPEAKER *pro tempore*. The hour of 5 o'clock—

Mr. PEEL. I ask leave to withdraw the report without prejudice.

The SPEAKER *pro tempore*. Without objection that order will be made.

There was no objection.

The SPEAKER *pro tempore*. The hour of 5 o'clock having arrived, according to previous order the House takes a recess until 7 o'clock and 30 minutes p. m.

#### EVENING SESSION.

The recess having expired, the House reassembled at 7.30 p. m.

Mr. HATCH took the chair as Speaker *pro tempore* and directed the reading of the following communication:

SPEAKER'S ROOM, HOUSE OF REPRESENTATIVES, February 20, 1889.

I hereby designate Hon. W. H. HATCH to preside as Speaker *pro tempore* at the session of the House this evening.

JNO. G. CARLISLE, Speaker.

Hon. JOHN B. CLARK, Clerk.

The SPEAKER *pro tempore*. The Clerk will read the special order under which this evening's session is held.

The Clerk read as follows:

Resolved, That on Wednesday, February 20, 1889, at 5 o'clock p. m., the House shall take a recess until 7.30 p. m., the evening session to be devoted to the consideration of measures reported from the Committee on Commerce and conference reports that may be ready for submission, said session to terminate not later than 10 o'clock p. m.

#### PORT OF PORTLAND, OREGON.

Mr. CLARDY. I call up a bill (S. 24) to extend the limits of the port of Portland as a port of entry.

The bill was read, as follows:

*Be it enacted, etc.*, That the limits of the port of Portland, in the State of Oregon, as a port of entry, be, and the same are hereby, extended so as to include all that portion of the east bank of the Willamette River lying opposite to the city of Portland, for a distance of 1 mile in width, and extending from the south

boundary line of the corporate limits of the city of Portland down said east bank of said river to a point directly opposite to the lower end of Swan Island, in said river.

Mr. HERMANN. Mr. Speaker, this is of great importance as well as convenience to the commercial interests of my State. This bill will include the flourishing city of East Portland, Oregon, in the port limits, and I hope the bill will pass.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. CLARDY moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

#### PORTS OF ENTRY AT TACOMA AND SEATTLE.

Mr. CLARDY. I call up the bill (S. 1128) to create ports of entry at Tacoma and Seattle.

The bill was read, as follows:

*Be it enacted, etc.*, That Tacoma, Wash., and Seattle, Wash., be, and they are hereby, constituted ports of entry in the Puget Sound customs collection district, and that the privileges of the first and seventh sections of an act approved June 10, 1880, entitled "An act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes," be, and the same are hereby, extended to said ports.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. CLARDY moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

#### SECTION 2579 REVISED STATUTES.

Mr. CLARDY. I call up the bill (H. R. 12414) to amend section 2579 of the Revised Statutes of the United States.

The bill was read, as follows:

*Be it enacted, etc.*, That section 2579 of the Revised Statutes of the United States is hereby amended so as to read:

"Sec. 2579. There shall be in the collection districts in the State of Texas the following officers: In the district of Galveston, a collector, who shall reside at Galveston; a deputy collector, who shall reside at Sabine Pass, and said deputy collector shall have power to enter and clear all vessels coming to that port and exercise such other powers as the Secretary of the Treasury may prescribe in pursuance of law; a surveyor who shall reside at Velasco, and a surveyor who shall reside at Houston."

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. CLARDY moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

#### DISTRICT OF TAMPA, FLA.

Mr. CLARDY. I call up the bill (S. 1721) establishing a customs district in Florida, to be known as the collection district of Tampa, and for other purposes.

The bill was read, as follows:

*Be it enacted, etc.*, That a collection of customs district be, and the same is hereby, established on the Gulf coast of the State of Florida, to be known as the collection district of Tampa.

Sec. 2. That said district shall include the territory south of a line immediately north of Anclote Key light-house, running easterly across the peninsula to Indian River, and thence south to a point opposite to and north of Charlotte Harbor, and thence westerly across the peninsula to the coast north of Charlotte Harbor, and midway between Manatee Bay and Peace River and Charlotte Harbor.

Sec. 3. That the collector for the port of Tampa shall be appointed by the President, by and with the advice and consent of the Senate, and shall be paid a salary of \$2,000 per annum. There shall also be appointed an appraiser and such inspecting and other officers as the Secretary of the Treasury shall consider useful or necessary for the transaction of the business of the port and for the prevention of smuggling within the district.

Mr. MILLS. Mr. Speaker, this seems to me rather a strange measure. Secretary Folger, and also his successor in office, recommended the discontinuance of a large number of collection districts, and in view of that fact it seems to me quite extraordinary that we should be engaged here in creating new ones. The Committee on Ways and Means also have been in favor of discontinuing a large number of these districts, and certainly it seems strange that we should be called upon to create a new collection district at this time.

Mr. DAVIDSON, of Florida. Mr. Speaker, the remarks just made by the gentleman from Texas [Mr. MILLS] add strength to the reasons in favor of this measure. It is true, sir, that it was the policy of the administration preceding the present one, and also the policy of this Administration, to discontinue certain collection districts, but the Secretary of the Treasury recommends that this district be created. The increase of business has been so great as to render it absolutely necessary. Tampa has grown from 2,000 to 8,000 within a few years; the commerce of the place demands the establishment of this district, and the Secretary of the Treasury recommends it.

Mr. MILLS. Mr. Speaker, I know nothing about the proposed district myself, and if the Secretary of the Treasury has recommended that it be created I shall not interpose any objection. I merely call attention to the fact that Secretary Folger and also his successor have both said to this House in official communications that they could save



\$500,000 a year by the abolishment of a number of collection districts, but I suppose that the abolishment which they recommended did not embrace this district. Having said this much, I shall not interfere with the bill, as it is recommended by the Secretary.

Mr. CLARDY. Mr. Speaker, I want to say in reply to the remarks of the gentleman from Texas that we have recommended the passage of no bill that has not been urgently recommended by the Secretary of the Treasury. The committee recommended an amendment, in line 2, striking out "Anclote" and inserting "Anclote."

The amendment was agreed to.

Mr. CLARDY. I offer an additional amendment, which I send to the desk.

The Clerk read as follows:

Line 3, section 1, strike out the words "collection of customs" and insert in lieu thereof "customs collection."

The amendment was agreed to.

The bill as amended was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. CLARDY moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

#### COLLECTION DISTRICT OF MEMPHIS, TENN.

Mr. CLARDY. I call up the bill (H. R. 5032) to extend the limits of the collection district of Memphis. It is a bill which does not involve the expenditure of any money, and it is recommended by the Secretary of the Treasury.

The bill was read, as follows:

*Be it enacted, etc.,* That the limits of the present port of Memphis, Tenn., be extended from Beale street southward to Jackson street, and that the east line of the present port be extended southward until it intersects said Jackson street.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. CLARDY moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

#### BRIDGE ACROSS POTEAU RIVER, NEAR FORT SMITH, ARK.

Mr. CLARDY. I yield to the gentleman from Georgia [Mr. CRISP].

Mr. CRISP. I call up the bill (H. R. 11735) to amend an act entitled "An act to authorize the Fort Smith and Choctaw Bridge Company to construct a bridge across the Poteau River, in the Choctaw Nation, near Fort Smith, Ark."

The SPEAKER *pro tempore*. The Chair is informed that this bill is upon the Private Calendar.

Mr. CRISP. I ask unanimous consent that the Committee of the Whole on the Private Calendar be discharged from the further consideration of the bill, and that it be considered in the House.

There being no objection, the House proceeded to the consideration of the bill, which was read.

Mr. CRISP. This bill is amendatory of the original act, and relates merely to the jurisdiction of the courts.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. CRISP moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

#### BRIDGE ACROSS COOSA RIVER, ALABAMA.

Mr. CRISP. I desire to call up the bill (H. R. 11338) to authorize the construction of a bridge across the Coosa River at Gadsden, in the State of Alabama. This is a bridge bill to which the Senate has added a formal amendment. I ask that the amendment be concurred in without reading.

There being no objection, the amendment of the Senate was concurred in.

Mr. CRISP moved to reconsider the vote by which the amendment was concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

#### BRIDGE ACROSS MISSOURI RIVER, ABOVE ST. CHARLES, MO.

Mr. CRISP. I desire to call up the bill (H. R. 12515) to amend an act entitled "An act to authorize the construction of a bridge over the Missouri River at the most accessible point between the mouth of the Femme Osage Creek and a point 2 miles above the city of St. Charles, in the county of St. Charles, in the State of Missouri." This is a bill amending a previous bridge bill. There was a bill passed granting to another company the rights with reference to this bridge. This measure amends that act so as to give the rights to the successors of that company.

The SPEAKER *pro tempore*. This bill also is on the Private Calendar.

Mr. CRISP. I ask unanimous consent that the Committee of the Whole House on the Private Calendar be discharged from the further consideration of the bill, and that it be considered in the House.

There being no objection, it was ordered accordingly.

The bill, having been read, was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

Mr. CRISP moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The SPEAKER *pro tempore*. If there be no objection it will be understood that where bridge bills have been referred to the Committee of the Whole on the state of the Union or the Committee of the Whole on the Private Calendar, the committee will be discharged from their further consideration and they will be considered in the House. Is there objection? The Chair hears none, and the order is made.

#### BRIDGE OVER MISSOURI RIVER AT OR NEAR KANSAS CITY.

Mr. CRISP. I now call up the bill (S. 3146) authorizing the construction of a bridge over the Missouri River at or near Kansas City, Kans., and not over 10 miles above the Hannibal and St. Joseph Railway bridge at Kansas City, Mo. This is a bill in which our deceased friend, Mr. Burnes, of Missouri, was interested. For that reason I ask that it be taken up out of its order. The bill has been referred to the Committee on Commerce and carefully examined. It contains all the usual provisions for the protection of navigation. As the bill is somewhat lengthy I ask that the reading of it be dispensed with, and that it be considered without reading.

The SPEAKER *pro tempore*. In the absence of objection that order will be made.

The bill was ordered to a third reading, was accordingly read the third time, and passed.

Mr. CRISP moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

#### LIGHT-HOUSE AT POINT ISABEL, TEXAS.

Mr. CLARDY. I call up the bill (H. R. 11342) providing for the re-establishment of the light-house at Point Isabel, Texas.

The SPEAKER *pro tempore*. This bill is on the Calendar of the Committee of the Whole on the state of the Union.

Mr. CLARDY. I ask that the Committee of the Whole be discharged from its further consideration, and that it be now considered in the House.

The SPEAKER *pro tempore*. If there be no objection, that order will be made.

There was no objection, and it was ordered accordingly.

The bill was read, as follows:

*Be it enacted, etc.,* That the light-house at Isabel, in the State of Texas, be re-established, at a cost not to exceed \$8,000.

The amendment reported by the committee was read, as follows:

Before the word "Isabel," in line 3, insert the word "Point."

The amendment was agreed to.

Mr. KILGORE. As I understand, this bill proposes to erect a light-house at Point Isabel, to take the place of one which has been abandoned.

Mr. CLARDY. This is for the purchase of a site and the erection of a light-house. It is stated by the Light-House Board that unless this bill be passed the board will be put to an expense of some \$35,000.

Mr. KILGORE. Has the bill passed the Senate?

Mr. CLARDY. No, sir; it has not; but a similar bill—

Mr. KILGORE. Then it will be a saving of \$27,000 to let this bill go through?

Mr. CLARDY. Yes, sir; and the State of Texas gets the benefit of the expenditure.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. CLARDY moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

#### CONTAGIOUS AND INFECTIOUS DISEASES.

Mr. CLARDY. I call up the bill (H. R. 1526) to prevent the introduction of contagious and infectious diseases into the United States, and to establish a bureau of public health. I ask that the Committee of the Whole be discharged from the further consideration of this bill. I yield to the gentleman from Massachusetts [Mr. DAVIS].

The SPEAKER *pro tempore*. The gentleman from Missouri asks that the Committee of the Whole on the state of the Union be discharged from the further consideration of this bill, and that it may now be considered in the House. Is there objection?

Mr. CRISP. I think I shall have to object.

Mr. CLARDY. Well, then, I withdraw the bill. I yield to the gentleman from Minnesota [Mr. WILSON] to call up another bill.



Mr. BUCHANAN. I will ask the chairman why he abandons that bill.

Mr. CLARDY. I am only abandoning it for the time being, pending the discussion between the gentleman from Georgia and the gentleman from Massachusetts, to see if some arrangement can not be arrived at.

Mr. BUCHANAN. Because the question whether the House will act upon that or not may influence the consideration of some other measures.

The SPEAKER *pro tempore*. The House has not entered upon the consideration of it, and the gentleman has a right to withdraw it for the present.

Mr. BUCHANAN. I know he has the right, but I have the right to know the status of the question.

The SPEAKER *pro tempore*. The bill is withdrawn for the present.

#### BRIDGES ACROSS RED RIVER.

Mr. WILSON, of Minnesota. Mr. Speaker, I ask consideration of the bill (S. 3666) to amend an act entitled "An act granting to the city of Grand Forks, Dak., the right to build two free bridges across the Red River," approved May 21, 1888.

The bill is as follows:

*Be it enacted, etc.*, That section 3 of an act entitled "An act granting to the city of Grand Forks, Dak., the right to build two free bridges across the Red River," approved May 21, 1888, be, and it is hereby, amended by inserting after the words "under this act," in line 1, the words "below the mouth of the Red Lake River;" and, further, after the words "said bridge," in line 11, insert as follows: "And any bridge built under this act, above the mouth of the Red Lake River, shall be built with one draw-span of not less than 87 feet in the clear, measured at low water, and this draw-span shall be over the main channel at the most accessible and best navigable point, and the other span may be less than 80 feet and be kept clear of trestle-work;" and the spans shall not be of less elevation than 3 feet above extreme high-water mark as known at the point of location, measured to the lowest part of the superstructure of said bridge; also, by inserting in line 13, after the words "parallel to," as follows: "And except above the mouth of the Red Lake River;" and also by inserting, in line 15, after the word "stream," as follows: "And above the mouth of the Red Lake River the bridge may be placed at an angle of 83 degrees with the direction of the current of the stream."

Mr. WILSON, of Minnesota. This is recommended by the Committee on Commerce, and reported by the gentleman from Georgia [Mr. CRISP].

Mr. CLARDY. And recommended by the Chief of Engineers.

The bill was considered, ordered to a third reading; accordingly read the third time, and passed.

Mr. WILSON, of Minnesota, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

#### PORT OF DELIVERY, PORT ANGELES, WASH.

Mr. WILSON, of Minnesota. I now ask consideration of the bill (S. 28) to create a port of delivery at Port Angeles, in the district of Puget Sound, Washington Territory.

The bill is as follows:

*Be it enacted, etc.*, That Port Angeles is hereby created a port of delivery in the district of Puget Sound, Washington Territory.

The bill was considered, ordered to a third reading; accordingly read the third time, and passed.

Mr. WILSON, of Minnesota, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

#### BRIDGE ACROSS RED RIVER, LOUISIANA.

Mr. BLANCHARD. I ask consideration of the bill (H. R. 10319) to authorize the Natchitoches Railroad Company to construct and maintain a bridge across the Red River in Louisiana. I ask that the reading of the bill be dispensed with as it is in the usual form of bridge bills, is reported by the gentleman from Georgia [Mr. CRISP], and is recommended by the Secretary of War.

The SPEAKER *pro tempore*. The amendment recommended by the Committee on Commerce will be read.

The Clerk read as follows:

In section 1, line 19, add the words "and equal privileges in the use of said bridge shall be granted to all telegraph companies."

Also, in section 6, strike out, in line 12, the word "five" and insert "three;" so it will read: "And if said bridge is not commenced within three years," etc.

Also, in line 13, strike out "ten" and insert "five;" so it will read: "And completed within five years," etc.

The amendments were concurred in.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. BLANCHARD moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

#### LIGHT-HOUSE, OYSTER-BED SHOAL, NEW YORK.

Mr. CLARDY. Mr. Speaker, I call up for consideration the bill (H. R. 10832) for the establishment of a light-boat with fog-bell on Oyster-Bed Shoal, in the Hudson River, New York.

I will state that this bill carries no appropriation, is recommended by the Light-House Board, and I ask that the bill be considered in the House as in Committee of the Whole.

There was no objection, and it was so ordered.

The bill was read, as follows:

*Be it enacted, etc.*, That a light-boat with fog-bell be established at or near Oyster-Bed Shoal, in the Hudson River, opposite Rockland Lake Dock, New York, at a cost not to exceed \$10,000.

The committee recommend the adoption of the following amendments:

In line 3 strike out the word "boat" and insert "house." In line 4, change "Oyster-Bed" to "Oyster-Beds;" and in line 6 strike out "\$10,000" and insert "\$35,000."

Also amend the title so as to read: "A bill for the establishment of a light-house with fog-bell on Oyster-Beds Shoal, in the Hudson River, New York."

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

The amendment to the title was also concurred in.

Mr. CLARDY moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

#### LIGHT-HOUSE AND FOG-SIGNAL, HUMBOLDT, CAL.

Mr. CLARDY. I ask to call up the bill (H. R. 12430) providing for the establishment of the light and fog-signal at Humboldt, Cal., upon a more secure site, and for the establishment of a light-ship at or near the wreck of the steam-ship Oregon, in New York Harbor.

The bill was read, as follows:

*Be it enacted, etc.*, That the light and fog-signal at Humboldt, Cal., be established upon a more secure site, at a cost not to exceed \$25,000; and that there be established in the vicinity of the wreck of the steam-ship Oregon, entrance to New York Harbor, a light-ship with a steam fog-signal, the entire cost of which shall not exceed \$60,000.

Mr. CLARDY. This bill as originally introduced provided simply for the establishment of a light and fog-signal at Humboldt, Cal., but the committee has reported this substitute for the original bill, No. 1226, providing also for the establishment of a light-ship in the vicinity of the wreck of the steam-ship Oregon, at the entrance to New York Harbor.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. CLARDY moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The SPEAKER *pro tempore*. Without objection the bill H. R. 1226 will be laid upon the table.

There was no objection, and it was so ordered.

#### STEAM-TENDER ON THE GREAT LAKES.

Mr. CLARDY. I ask consideration of the bill (H. R. 12431) providing for the construction of a steam-tender for service on the Great Lakes.

The bill was read, as follows:

*Be it enacted, etc.*, That a steam-tender for light-house duty on the northwestern lakes be constructed, at a cost not to exceed \$85,000: *Provided*, That the construction of said tender shall be let to the lowest responsible bidder after advertisement.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. CLARDY moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

#### LIGHTS ON CONEY ISLAND.

Mr. CLARDY. I call up for consideration the bill (H. R. 11527) to establish lights on the western end of Coney Island, New York.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to establish a light or lights on the western end of Coney Island, New York, at a sum not to exceed \$25,000.

The committee propose, in line 4, after the word "lights," to insert "and a fog-signal."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. CLARDY moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

#### LIGHTS ON THE COAST OF MISSISSIPPI.

Mr. CLARDY. I call up for consideration the bill (H. R. 12310) providing for the establishment of certain lights on the coast of Mississippi.



The bill was read, as follows:

*Be it enacted, etc.,* That there be established range-lights to guide into the mouth of the Pascagoula River, Mississippi, at a cost not to exceed \$1,000.

Sec. 2. That there be established a light on the east bank of Pearl River, Mississippi, opposite the draw in the railway bridge, at a cost not to exceed \$250.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. CLARDY moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

#### LIGHT-HOUSE AT SIUSLAW RIVER, OREGON.

Mr. CLARDY. I now call up for consideration the bill (H. R. 7066) providing for the establishment of a light-house at or near the mouth of the Siuslaw River, in the State of Oregon.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized to establish a light-house at or near the mouth of the Siuslaw River, in the State of Oregon, at a cost not to exceed \$80,000.

Mr. CLARDY. I now yield to the gentleman from Oregon, who desires to offer an amendment.

Mr. HERMANN. I move, in line 4, after the word "at," to insert the words "Heceta Head," and strike out the word "or" in the same line.

The amendment was agreed to.

Mr. HERMANN. This measure has the indorsement of the Light-House Board, which favorably recommends the construction of said light-house to be located at Heceta Head near Siuslaw River, Oregon. The reasons for said construction are fully shown by said board, chief among which is the statement that for 90 miles between Capes Arago and Foulweather, on the Pacific coast, there is now no light, and that the proposed light at Heceta will be between these points, and that "a coast light is required to divide the dark space between the two lights above mentioned." A first-order light at or near Heceta Head is sufficiently near the mouth of Siuslaw River; and it is recommended that the proper steps be taken to establish such light.

This is a light-house which our people have sought for during several years. The Siuslaw is one of the beautiful rivers of Oregon; its commerce is rapidly increasing, and it should be properly encouraged and protected. An enterprising and intelligent people have settled that fertile valley, and soon we may expect a railway to connect the coast with the trunk-line railways of the interior. I beseech the House to pass this just measure.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

Mr. HERMANN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

#### LIGHT-HOUSE OFF POINT PENINSULAR, LAKE MICHIGAN.

Mr. CLARDY. I now call up for consideration the bill (H. R. 11678) providing for the erection of sundry light-houses and fog-signals in Lakes Erie, Huron, Michigan, and Superior.

The bill was read, as follows:

*Be it enacted, etc.,* That a light-house be established at or near Eleven-foot Shoal, off Point Peninsular, Lake Michigan, at a cost not exceeding \$60,000, and when said light shall be completed the light now maintained at Point Peninsular shall be discontinued.

That a light-house and fog-signal be established at Squaw Island, Lake Michigan, at a cost not exceeding \$25,000.

That there be established a light-house at or near Old Mackinac Point, at a cost not exceeding \$25,000, and when the same shall be completed the light maintained at McGulpin's Point shall be discontinued.

That a fog-signal and range-lights be placed on the end of the west pier at Ashtabula, Ohio, Lake Erie, at a cost not exceeding \$7,000.

That there be established a fog-signal at Michigan Island, Lake Superior, at a cost not exceeding \$5,500.

That there be established a red and white flash-light and fog-signal on the Rock of Ages, Lake Superior, at a cost not exceeding \$15,000.

That there be established a fog-signal on South Fox Island, Lake Michigan, at a cost not exceeding \$5,000.

That a fog-bell be placed at the east end of Portage Ship-Canal, at a cost not exceeding \$9,000.

The committee recommend the following amendment: In line 12 strike out the word "Mackinac" and insert the word "Mackinaw," and strike out all after line 17.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. CLARDY moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

#### LIGHT-HOUSE AND FOG-SIGNAL AT CHICAGO, ILL.

Mr. CLARDY. I call up for consideration the bill (H. R. 12113) for the establishment of a light-house and steam fog-signal on the outer breakwater at the harbor at Chicago, Ill.

The bill was read, as follows:

*Be it enacted, etc.,* That the sum of \$50,000 be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to establish a light-house and steam fog-signal on the easterly end of the outer breakwater at the harbor of Chicago, Lake Michigan, Illinois: *Provided,* That this light may be established at any time without regard to the completion of said breakwater.

The committee recommend an amendment, to strike out all after the enacting clause and insert the following:

That a light-house and steam fog-signal be established on the easterly end of the outer breakwater at the harbor of Chicago, Lake Michigan, Illinois, at a cost not to exceed \$35,000: *Provided,* That this light may be established at any time without regard to the completion of said breakwater.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. CLARDY moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

#### LIGHT-HOUSE, ST. CATHERINE ISLAND, GEORGIA.

Mr. CLARDY. I next call up the bill (H. R. 12324) for the establishment of a light-house station on St. Catherine Island, State of Georgia.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of War is hereby authorized and directed to establish a light-house station on St. Catherine Island, State of Georgia, at the point which the Light-House Board may select as the most eligible, and that the sum of \$20,000, or so much thereof as may be necessary, is hereby appropriated for that purpose.

The committee recommend the following amendments:

In line 3 strike out the word "War" and insert "the Treasury." In lines 6 and 7 strike out the words "and that the sum of" and insert "at a cost not to exceed;" and strike out lines 8 and 9.

The amendments were agreed to, and the bill as amended was ordered to be engrossed and read a third time; and being engrossed it was accordingly read the third time, and passed.

Mr. CLARDY moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

#### LIGHT-HOUSE OFF CAPE HATTERAS, NORTH CAROLINA.

Mr. CLARDY. I call up the bill (S. 1283) making an appropriation for the erection of a light-house on or near Diamond Shoal, off Cape Hatteras, North Carolina.

The bill was read, as follows:

*Be it enacted, etc.,* That the sum of \$500,000 be, and the same is hereby, appropriated out of any money in the Treasury not otherwise appropriated, for the erection of a light-house on or near Diamond Shoal, off Cape Hatteras, North Carolina: *Provided,* That such contractors for doing this work may be selected by the Light-House Board as may, in the judgment of the board, be best fitted by reason of skill, experience, possession of plant and control of means to do the work, payments to be made in the discretion of the board, upon the approval of the Secretary of the Treasury.

The committee propose to strike out all after the enacting clause and insert the following:

That a light-house be established on or near Diamond Shoal, off Cape Hatteras, North Carolina, at a cost not to exceed \$500,000: *Provided,* That the contractors for doing this work shall be the lowest responsible bidders and best fitted by reason of skill and experience to do the work: *And provided further,* That payments shall be made therefor, as the work progresses, in the discretion of the Light-House Board, and subject to the approval of the Secretary of the Treasury.

And to amend the title to conform to the bill.

Mr. CLARDY. It will be seen, Mr. Speaker, that this bill requires the expenditure of a very considerable amount of money—\$500,000. It was introduced in the early part of last session. The committee then considered the bill, and listened, of course, to the suggestions made by the Light-House Board, but because the committee was not satisfied of the ability of the board to complete the structure for the amount of the estimate and was not thoroughly satisfied of the feasibility of the project, it refused to recommend the passage of the bill.

During the present session the committee has listened to the members of the Light-House Board, and have ascertained that a contract can be made by which the structure can be completed for the sum of \$500,000, which, of course, is a very large sum of money. In addition to that it has heard from the persons engaged in shipping on the coast of the very great danger to which lives and property are subjected at this place. Indeed, I think within the last ten days there has been a loss of several lives at this place, and within the last two or three years a large number of people have been drowned there. So the committee did not feel at liberty any longer to withhold this bill from the consideration of the House. I believe the bill ought to pass. I want to say the amendment provides that unless success is achieved in the building of this light-house it shall cost the Government nothing. The contractor assumes the risk. He gives bond for the faithful completion of the work.

I yield a moment to the gentleman from North Carolina [Mr. LATHAM], and apologize for the time I have already consumed.



Mr. LATHAM. Mr. Speaker, it would be utterly impossible in the short time allowed me by the chairman of the Committee upon Commerce to properly impress upon the members of the House the vast importance of the measure now under consideration.

To gentlemen who are already acquainted with the general conformation of the Atlantic coast and have any knowledge of our marine history from its earliest period until the present day, it would be an idle waste of time to dwell upon the dangers of Cape Hatteras and the innumerable disasters which have occurred in its vicinity.

To those who know nothing of the appalling terrors and horrible fate of the brave and gallant seamen who have confronted its dangers, any words of mine would fail to adequately portray them.

The sea is a voracious and insatiate monster. Its white-capped waves are constantly beckoning to destruction, and its voice, like the horse-leech's daughter, is ever calling for more victims. Youth and old age, wealth, intellect, beauty, all have alike been swept away in its remorseless wrath, and lie wrapped in its cold embrace. Its dangers and terrors have been told in prose and in verse and in every language. Whether portrayed in the beautiful periods of the Psalmist or tabulated in their dry details by the Light-House Board, they excite the sympathy and appeal to the humanity of every reader. Its moods are as variable and uncertain—

As the shade  
By the light quivering aspen made.

Roused by the battling winds as they sweep across its bosom to the full height of its majestic wrath, it rushes with irresistible force from the shores of one continent to those of another, sweeping as with a besom of destruction everything in its path, till, tired and spent, it falls back, like a giant exhausted, before the barriers erected by Omniscience against its further encroachments. At times it sleeps as calmly as the infant at its mother's breast; at times it tosses like a strong man in fever. In its anger, terrible; in its serenity, beautiful; in every mood and at all times grand and majestic.

But, Mr. Speaker, just at that point where our eastern sea-line, after pursuing almost a due southern course for more than 500 miles, turns abruptly to the southwest, there lies a sand reef known the world over as Diamond Shoals. Perhaps on account of this angle made in the coast-line, perhaps from other causes, there has been formed here a reef upon which more lives have been lost and more treasure destroyed than anywhere else on the Eastern seaboard.

While the sea sleeps elsewhere it here knows no rest. The pulsations of its mighty bosom are ceaseless and eternal. Its white-capped waves, though repulsed, are never conquered. Its battalions fall back only to again advance. It knows no pity, no remorse. Baffled in its onward march, it wreaks its revenge on everything that comes within its magic influence. The strongest ship that ever rode the main, though her ribs were forged by the Cyclops, is a cockle-boat in its mighty grasp. When the sound of its waves as they break in white foam on the outer Diamond falls upon the ear of the mariner, he "leaves hope behind," for his doom is sealed. No ship has ever ridden its waves in safety; the Angel of Mercy has never drawn from its swirling waters a human being that its waves have once engulfed.

It is upon this point, around which cluster so many terrible associations and so many harrowing recollections, where so many of those who "go down to the sea in ships" have met untimely ends, where so much hard-earned treasure lies buried, that it is proposed to establish a danger-signal, that far-flashing above the crest of the highest waves of the Atlantic shall carry timely warning to the commerce of the world of the dangers that menace it.

I desire, Mr. Speaker, to impress upon the House the fact that this bill is not of local but of national importance. From every section of the country—from Maine to Texas, from the ship-builders of New England, from the merchants of New York, Philadelphia, Baltimore, Norfolk, Charleston, Savannah, New Orleans, Galveston, from the shippers of every port worthy the name, from all the large companies engaged in marine insurance—petitions to the Light-House Board urging speedy action in this direction have been received. The leading journals of the country have taken up the question and are demanding that the commercial interests of the country shall be protected.

It will be bad statesmanship and worse economy to close our ears to these demands. It will be the merest folly to attempt to evade our duty or escape responsibility. For more than six years these demands have been made. The Senate has already risen to the measure of its duty. Let us be as liberal and broad in our views and erect to the memory of the present Congress a monument more enduring than brass and more lasting than marble.

Mr. Speaker, it was originally proposed to place a light-ship off Diamond Shoals instead of erecting a light-house. This was soon, however, determined to be impracticable. Buoys were placed outside the shoal and anchored with the heaviest cables. The action of the waves, rubbing one link against another, very shortly destroyed these cables, and the buoys floated from their anchorage. For the same reason no light-ship could safely weather a storm on this coast.

The only argument, Mr. Speaker, that has ever been urged against the passage of this bill, the only reason why the Committee on Com-

merce have not long since reported it, is that it was considered impracticable to erect a permanent structure at this point. But, sir, this is not true. We have not as yet sounded the possibilities of engineering skill; but more difficult feats than this have been successfully performed. The deepest water on this reef is only 17 feet. A light has been erected and is now in successful operation in the German Ocean, celebrated for its storms and disasters, in 35 feet of water.

But the most complete and conclusive answer to the objection is that the most skillful engineers of the country have declared that the scheme is entirely practicable. And, sir, to settle this matter beyond any sort of controversy, I am informed that a firm entirely solvent has offered to erect the structure at its own expense, to require the payment of nothing until it is complete, and even then to leave 20 per cent. of the contract price in the Treasury for a period of five years as a security to the Government.

Mr. Speaker, I have submitted these facts to the House in the assured confidence that it will recognize the necessity of passing this bill, and that, although the amount may seem large, it will sink into insignificance when the lives and property of our fellow-citizens are in hourly jeopardy.

The amendments recommended by the committee were agreed to. The SPEAKER *pro tempore*. The question is on ordering the bill as amended to a third reading:

Mr. DUNHAM. Mr. Speaker, I understood the chairman of the Committee on Commerce [Mr. CLARDY] to say that the Government would not be at any expense whatever about this light-house unless it should prove a success. Now, I want to ask him how he is to know that it is going to be a success, when the bill provides for the payment of the money as the work progresses.

A MEMBER. The contractor gives a bond.

Mr. DUNHAM. That is true, but the bill provides that payment shall be made therefor as the work progresses. Now suppose the work progresses from day to day and each day you pay a little money, and when you get through the work is found not to be a success, what will be your remedy? I am not opposed to this bill, but I do not understand the statement of the chairman of the committee, in view of this provision in the bill.

Mr. CLARDY. Then, Mr. Speaker, I will repeat what I said before, that a bond is to be given for the faithful execution of the work and for the refund of the money unless the work proves a success.

The bill as amended was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. CLARDY moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The title was amended so as to conform to the bill.

Mr. LATHAM, by unanimous consent, obtained leave to print remarks in the RECORD in connection with the bill.

#### BRIDGE BILLS.

Mr. CRISP. Mr. Speaker, we have quite a number of bridge bills which we desire to have considered and of which I have sent a list to the Clerk.

The SPEAKER *pro tempore*. The Clerk will report the first bill.

The Clerk read as follows:

A bill (H. R. 10721) to authorize the construction of a bridge across the Arkansas River at or near Cumming's Landing, Lincoln County, Arkansas.

Mr. CRISP. Mr. Speaker, I want to state about that bill, and about all of these bridge bills, that if there is any failure in any of them to contain all the provisions that have been suggested by the War Department it is due to an oversight; but I do not think there is any such failure. There is not one of them in which the report of the engineers with reference to protecting substantially the interests of navigation has been disregarded. Therefore, if there be no objection, I ask that these bills be considered and passed by their titles. Of course if any gentleman objects to any particular bill I will withdraw that for separate action.

The SPEAKER *pro tempore*. The gentleman from Georgia [Mr. CRISP] asks unanimous consent that the reading of these bills be dispensed with except by title, in view of the statement just made. Is there objection?

Mr. DUNHAM. I object.

Mr. CLARDY. The gentlemen certainly does not want to have all these bridge bills read at length.

Mr. DUNHAM. I simply want to make a statement, and I have to object in order to get the chance to make it. I suggest that the first bill on the list had better be read, inasmuch as the Commerce Committee of this Congress has put some clauses into these bridge bills that have never been in any such bills heretofore. Let the first bill be read in order that gentlemen present may see wherein it differs from former bridge bills, and then I shall have no objection to the request of the chairman.

Mr. CLARDY. I will say to the gentleman from Illinois [Mr. DUNHAM] that we have already passed several bridge bills to-night, and the gentleman himself is on the subcommittee to consider those bills.



The SPEAKER *pro tempore*. The Clerk will read the first bill.

The Clerk read the bill H. R. 10721 in part.

Mr. DUNHAM (interrupting the reading). Mr. Speaker, the clauses that I desire to call attention to having been read, I do not insist upon the further reading of the bill.

The substitute reported by the committee was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. CRISP moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The original bill (H. R. 10609) was laid on the table.

#### BRIDGE ACROSS THE MISSISSIPPI NEAR ALMA, WIS.

Mr. CRISP. I call up the bill (S. 2816) to authorize the construction of a bridge for railway purposes across the Mississippi River between the States of Wisconsin and Minnesota, to be located north of and in the vicinity of the city of Alma, Wis.

Mr. HAUGEN. I believe there are two amendments to this bill.

The SPEAKER *pro tempore*. The Chair is informed that the amendments to this bill have already been agreed to by the House when it was up on a former occasion. The question is now on the third reading of the bill.

Mr. WILSON, of Minnesota. What are those amendments?

Mr. HAUGEN. They are those proposed by the gentleman from Minnesota himself. The first one is in regard to the more definite location of the bridge, and the second extends the time for the commencement of the work from one to two years, and for its completion to three years.

Mr. WILSON, of Minnesota. Those are all?

Mr. HAUGEN. Those are all.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. HAUGEN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

#### BRIDGE OVER ST. JOHN'S RIVER, FLORIDA.

Mr. CRISP. I now call up the bill (H. R. 10588) to authorize the construction of a bridge over the St. John's River, in the State of Florida.

The amendments reported by the committee were read, as follows:

At the end of section 3 insert the following:

"And equal privileges in the use of said bridge shall be granted to all telegraph companies, and the United States shall have right of way over said bridge for postal telegraph purposes."

In line 13 of section 6 insert, after the words "shall not be," the word "commenced or."

After the word "Congress," in line 4 of section 7, insert the words "or the Secretary of War."

Add the following as a new section:

"Sec. 8. That this act shall be null and void if actual construction of the bridge herein authorized be not commenced within one year and completed within three years from the date thereof."

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed it was accordingly read the third time, and passed.

Mr. CRISP moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

#### BRIDGE ACROSS THE TENSAS RIVER, LOUISIANA.

Mr. CRISP. I call up the bill (S. 3285) to authorize the construction of a bridge across the Tensas River, at or near Kirk's Ferry, La. The amendment as reported by the committee was read, as follows:

In line 7, section 1, strike out "Kirk's" and insert "Daniel's."

The amendment was agreed to.

The bill as amended was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. CRISP moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

#### BRIDGE ACROSS THE MISSOURI AT LEAVENWORTH, KANS.

Mr. CRISP. I call up the bill (H. R. 11649) to authorize the construction of a bridge across the Missouri River between the city of Leavenworth, in the State of Kansas, and Platte County, in the State of Missouri.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. CRISP moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

#### VICKSBURG, SHREVEPORT AND TEXAS RAILROAD COMPANY.

The next bill, called up by Mr. CRISP, was the bill (H. R. 11782) to approve and ratify the construction by the Vicksburg, Shreveport and Texas Railroad Company of the bridge over the Red River at Shreveport, La., and the bridge over the Ouachita River at Monroe, La., and

to authorize said railroad company to maintain said bridges over said water ways, subject to certain stipulations and conditions.

The amendment reported by the committee was read, as follows:

Add the following as a new section:

"Sec. 8. That on the failure of the said railroad company to obey this act and to conform to the provisions thereof any municipal corporation adjacent to said bridges, or interested in the enforcement of this act, or any other corporation, person, or persons injuriously affected by such failure, may institute suit against said railroad company, by mandamus or other appropriate proceedings, in the circuit court of the United States within the jurisdiction of which said bridges are located, in the name of the United States, upon the relation of the party complaining, to enforce the provisions of this act. Such suit shall be brought by the United States district attorney for the district within which said bridges are situated, and said court shall have full power by its judgment and decree to compel said railroad company to comply with the provisions of this law."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. CRISP moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

#### BRIDGES ACROSS THE KENTUCKY RIVER.

The next bill, called up by Mr. CRISP, was the bill (H. R. 11573) to authorize the construction of bridges across the Kentucky River.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. CRISP moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

#### BRIDGES ACROSS RED RIVER.

Mr. CRISP called up for consideration the bill (S. 3666) to amend an act entitled "An act granting to the city of Grand Forks, Dak., the right to build two free bridges across the Red River," approved May 21, 1888.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. CRISP moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

#### BRIDGE ACROSS YOUNG'S BAY, OREGON.

Mr. CRISP called up for consideration the bill (S. 3645) granting to the Astoria and South Coast Railway Company the right to construct a bridge across Young's Bay, a navigable stream in the county of Clatsop and State of Oregon.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. CRISP moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

#### BRIDGE ACROSS BAYOU BARTHOLOMEW, LOUISIANA.

Mr. CRISP called up for consideration the bill (S. 3284) to authorize the construction of a bridge across Bayou Bartholomew, at or near Ward's Ferry, Louisiana.

The bill was read.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. CRISP moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

#### BRIDGE ACROSS THE MISSISSIPPI RIVER AT LA CROSSE, WIS.

Mr. CRISP called up for consideration the bill (H. R. 12059) to authorize the construction of a bridge or bridges across the Mississippi River at La Crosse, Wis.

The amendment reported by the committee was read by the Clerk, as follows:

Insert in line 14, after the word "War," the words "after an examination and report by a board of three United States engineers and appointed by him;" so it will read:

"Provided, That it shall not be lawful to construct said bridge or bridges until the Secretary of War, after an examination and report by a board of three United States engineers and appointed by him, shall certify that the same will not materially obstruct the navigation of said river."

The amendment was agreed to, and the bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. CRISP moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

#### BRIDGES OVER GREEN AND BARREN RIVERS.

Mr. CRISP called up for consideration the bill H. R. 12524, reported as a substitute for the bill (H. R. 11996) to authorize the construction of bridges over Green and Barren Rivers, in the State of Kentucky, by the Henderson State Line Railroad Company.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.



Mr. CRISP moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table. The latter motion was agreed to.

#### BRIDGE ACROSS OSAGE RIVER.

Mr. CRISP called up for consideration the bill (H. R. 12389) authorizing the construction of a bridge across the Osage River at some accessible point in the county of Benton, in the State of Missouri.

The amendment of the committee was read, as follows:

Insert as an additional section:  
"SEC. 7. That this act shall be void if actual construction of the bridge herein authorized be not commenced within one year and completed within three years from the date thereof."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. CRISP moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

#### WAGON AND FOOT-PASSENGER BRIDGE, LYONS, IOWA.

Mr. CRISP called up for consideration the bill (H. R. 12489) to authorize the construction of a wagon and foot-passenger bridge across the Mississippi River at or near Lyons, Iowa.

The amendments of the committee were reported, as follows:

In section 2, line 9, after the word "than," strike out the word "two" and insert "three."  
In same section, line 13, after the word "hundred," insert the words "and fifty."

In same section, line 21, after the word "than," strike out "two" and insert "three."

In same section, line 25, after the word "than," strike out "two" and insert "three."

In same section, line 26, strike out the words "said span," at beginning of the line, and insert as follows, in lieu thereof: "every part of the superstructure of said low bridge."

In section 5, line 25, strike out the words "Secretary of War" and insert in lieu thereof the words "Light-House Board."

Amend the title so as to read: "A bill to authorize the construction of a railroad, wagon, and foot-passenger bridge across the Mississippi River at or near Lyons, Iowa."

In section 1, line 7, insert the word "railroad" at the end of said line.

In section 1, insert the following words after the word "provided," in line 11: "and to lay on or over said bridge a track or tracks, for the more perfect connection of any railroad or railroads that are or may be constructed to said river, on either or both sides thereof, at or opposite said point."

In section 1, insert the words "railroad trains" after the words "passage of," in line 20.

In section 3, insert the words "railroad and" before the word "telegraph," in line 10.

In section 4, insert the words "railroad and" after the word "all," in line 1.

The amendments were agreed to in gross.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. CRISP moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. ANDERSON, of Iowa. I rise to move that the title of the bill be amended.

The SPEAKER. That was included in the amendments of the committee.

#### BRIDGE ACROSS CANAL ENTRANCE TO HARBOR OF DULUTH.

Mr. CRISP. I ask consideration of the bill (H. R. 5191) for the construction of a bridge across the canal entrance to the harbor of Duluth.

Mr. HAUGEN. I object to the consideration of that bill to-night.

Mr. DUNHAM. Let the bill be read.

Mr. HAUGEN. I have no objection, of course, to the reading of the bill, but I give notice that I will object to its consideration.

Mr. CRISP. Then I ask to withdraw the bill.

The SPEAKER *pro tempore*. The bill will be withdrawn.

Mr. HAUGEN. I have a letter from the Secretary of War recommending a postponement of this and the other Duluth bill, and for the present I shall object to these bills.

The SPEAKER *pro tempore*. The bill is withdrawn.

Mr. DUNHAM. After a bill is presented can it be withdrawn except by consent?

The SPEAKER *pro tempore*. The gentleman has the right to withdraw the bill.

#### BRIDGE ACROSS BAY OF SUPERIOR, MINNESOTA.

Mr. CRISP. I call up for consideration the bill (H. R. 5192) for the construction of a bridge across the Bay of Superior, between Rice's Point and Minnesota Point, in the State of Minnesota.

Mr. HAUGEN. That is the other bill to which I referred, and to which I object.

Mr. DUNHAM. Let the bill be read.

Mr. HAUGEN. I do not object to the reading of the bill, but I raise the question of consideration against it.

Mr. CRISP. I ask to withdraw the bill for the present, in order to save time.

There being no objection, the bill was withdrawn.

Some time subsequently,

Mr. DUNHAM said: Mr. Speaker, House bills 5191 and 5192 were reported from the Committee of Commerce of the House in accordance with the recommendation of the Chief of Engineers. Now, the gentleman from Wisconsin [Mr. HAUGEN] has letters of a later day from the Secretary of War, transmitting copies of other letters from the Chief of Engineers, which seem to be against these bridges, and I ask that the letters may be printed in the RECORD, so as to show why these bills can not pass.

Mr. HAUGEN. I will send both letters to the desk.

The SPEAKER *pro tempore*. The gentleman can take the floor in his own right and ask to have the letters printed.

Mr. HAUGEN. Very well. Mr. Speaker, I will state that these letters were sent to the Committee on Commerce of the Senate when they had under consideration bills of exactly similar character to the ones under consideration here.

Mr. DUNHAM. Inasmuch as the Committee on Commerce acted on information from the Secretary of War at the time, now that the Secretary of War has sent later information and recommends this delay in the matter, it is proper that that information should be printed.

The SPEAKER *pro tempore*. The letters referred to by the gentleman from Wisconsin will be printed in connection with the statement of the gentleman.

The letters are as follows:

OFFICE OF THE CHIEF OF ENGINEERS, UNITED STATES ARMY,  
Washington, D. C., March 24, 1888.

SIR: I have the honor to return herewith the letter of Hon. N. P. HAUGEN, House of Representatives, dated the 19th instant, asking the views of the War Department as to the general effect upon navigation of the proposed bills (H. R. 5191 and 5192) authorizing bridges "across the canal entrance to the harbor of Duluth, Minn.," and "across the Bay of Superior, from Rice's Point to Minnesota Point," and to report that, so far as the interests of navigation are concerned, all bridges must be considered as forming more or less obstructions; but bridges are essential to the interests and necessities of commerce, and must be permitted when required, the only question being as to limiting as far as practicable the degree of obstruction, having in view the relative importance of the conflicting interests. The reports of this office in reference to the bridges in question contain recommendations for amendments believed to be necessary for the interests of commerce and navigation, but do not advocate or recommend the passage of the bills, Congress alone being the judge of the propriety or necessity for the passage of bridge laws.

Very respectfully, your obedient servant,

J. C. DUANE,  
Brigadier-General, Chief of Engineers.

Hon. WILLIAM C. ENDICOTT,  
Secretary of War.

WAR DEPARTMENT, Washington City, March 27, 1888.

SIR: I have the honor to acknowledge the receipt of your letter of the 19th instant, stating that the people of the town of Superior, Wis., through their chamber of commerce, remonstrate against the passage of House bills 5191 and 5192, authorizing the construction of bridges across the canal entrance to the harbor of Duluth, Minn., and across the Bay of Superior from Rice's Point to Minnesota Point, and requesting the views of this Department as to the general effect of the proposed bridges upon the navigation of the waters named.

In reply, I beg to inclose a report of the 24th instant from the Chief of Engineers, in which he states that the reports transmitted to Congress upon these bills contain such recommendations as were deemed necessary by his office for the interests of commerce and navigation, but do not recommend the passage of the bills.

Very respectfully, your obedient servant,

WM. C. ENDICOTT,  
Secretary of War.

Hon. N. P. HAUGEN,  
House of Representatives.

OFFICE OF THE CHIEF OF ENGINEERS, UNITED STATES ARMY,  
Washington, D. C., December 24, 1888.

SIR: In reference to S. 1553, a bill "to authorize the city of Duluth, St. Louis County, Minnesota, to construct and maintain a bridge across the Bay of Superior, between Minnesota Point and Rice's Point," received informally from the Senate Committee on Commerce, through the clerk of that committee, with request that a report upon it be submitted, I have to report that while the bridge in question might prove as unobjectionable as any other structure of the kind at the locality selected, it is believed that any bridge at that location would prove a serious obstruction to free navigation for the reason that the already crowded and insufficient space would, in the event of further obstruction by another bridge, prove a serious injury to navigation without resulting benefit to the large and constantly increasing commerce seeking ingress and egress at Superior Bay.

In the interests of navigation and commerce, therefore, it is recommended that the bill under consideration be not passed by Congress.

A copy of the bill S. 1453, Fiftyeth Congress, first session, is herewith.

Very respectfully, your obedient servant,

THOS. LINCOLN CASEY,  
Brigadier-General, Chief of Engineers.

Hon. WILLIAM C. ENDICOTT,  
Secretary of War.

OFFICE OF THE CHIEF OF ENGINEERS, UNITED STATES ARMY,  
Washington, D. C., December 24, 1888.

SIR: In reference to S. 1452, Fiftyeth Congress, first session, a bill "to authorize the city of Duluth, Minn., to construct and maintain a bridge across the ship-canal, and upon the Government piers of the same, through Minnesota Point," received informally from the Senate Committee on Commerce, through the clerk of that committee, with a request that a report upon it be submitted, I have to report that in view of the fact that the proposed bridge is to be built at the extreme west end of Lake Superior, at the harbor of Duluth, which is exposed probably more than any other harbor on the lakes, and receives the full force of the northeasterly gales which sweep that lake with great and destructive violence, thus rendering its entrance by vessels not only extremely difficult but very dangerous, it would seem to be adverse to the interests of commerce and navigation to render these dangers even more hazardous by the erection of the



bridge at the point proposed. In the opinion of this office no bridge should be permitted at this locality that will in any degree enhance the dangers and difficulties to navigation already existing, and it is accordingly recommended that the bill under consideration be not passed by Congress. The bill S. 1452 is herewith.

Very respectfully, your obedient servant,

THOS. LINCOLN CASEY,  
Brigadier-General, Chief of Engineers.

Hon. WILLIAM C. ENDICOTT,  
Secretary of War.

WAR DEPARTMENT, Washington City, January 2, 1889.

SIR: Referring to a letter from the Department dated February 21, 1888, on the subject of Senate bill 1453, Fiftyeth Congress, first session, "to authorize the city of Duluth, St. Louis County, Minnesota, to construct and maintain a bridge across the Bay of Superior, between Minnesota Point and Rice's Point," I now have the honor to transmit herewith a report dated the 24th ultimo, from the Chief of Engineers, recommending, in the interests of navigation and commerce, that the measure under consideration be not passed by Congress.

The recommendation of the Chief of Engineers is concurred in by the Department.

Very respectfully,

WM. C. ENDICOTT,  
Secretary of War.

Hon. WILLIAM P. FRYE,  
Chairman Committee on Commerce, United States Senate.

WAR DEPARTMENT, Washington City, January 2, 1889.

SIR: Referring to a letter from this Department dated February 20, 1888, on Senate bill No. 1452, Fiftyeth Congress, first session, "to authorize the city of Duluth, Minn., to construct and maintain a bridge across the ship-canal and upon the Government piers of the same through Minnesota Points," I now have the honor to transmit for the information of your committee a report of the 24th ultimo from the Chief of Engineers, recommending, in the interests of commerce and navigation, that the bill in question be not passed.

The recommendation of the Chief of Engineers is concurred in by the Department.

Very respectfully,

WM. C. ENDICOTT,  
Secretary of War.

Hon. WILLIAM P. FRYE,  
Chairman Committee on Commerce, United States Senate.

#### BRIDGE ACROSS THE KENTUCKY RIVER, ETC.

Mr. DUNHAM. Mr. Speaker, I call up for present consideration the bill S. 3921, which is precisely the same bill in its terms as the bill of the House which was reported from the Committee on Commerce.

The SPEAKER *pro tempore*. The title of the bill will be read.

The Clerk read as follows:

A bill (S. 3921) to authorize the Kentucky Union Railway Company to construct a bridge across the Kentucky River and its tributaries.

Mr. TAULBEE. That bill is on the Speaker's table, and I ask that it be taken from the table and substitute it for the House bill which is on the Calendar.

The SPEAKER *pro tempore*. Without objection, that will be done.

There being no objection, the Senate bill was taken from the Speaker's table, read twice, ordered to a third reading, read the third time, and passed.

Mr. TAULBEE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The bill (H. R. 12543) was ordered to be laid on the table.

#### CONDUIT PIPES ACROSS OHIO RIVER.

Mr. CLARDY. I call up for consideration the bill (H. R. 11216) to authorize the Union Gas Company to lay conduit pipes across the Ohio River.

The bill was read, as follows:

*Be it enacted, etc.,* That the assent of Congress is hereby given to the Union Gas Company to lay pipes for conducting natural gas, petroleum, or salt water across the Ohio River at such points as may be deemed necessary, between the mouth of Buck Creek, in Harrison County, Indiana, and the city of Jeffersonville, Ind., and points opposite thereto in the State of Kentucky, from any point in said State to the upper boundary of the city of Louisville, Ky.: *Provided,* That said pipes be laid upon or beneath the bed of the river and in such manner as not to interfere with navigation, and under the supervision of the Secretary of War.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. CLARDY moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

#### BRIDGE BETWEEN LOUISVILLE AND JEFFERSONVILLE.

Mr. CRISP. I call up now for consideration the joint resolution (H. Res. 256) concerning the construction of a bridge between Louisville, Ky., and Jeffersonville, Ind.

Mr. HOWARD. Mr. Speaker, I shall object to the consideration of that bill to-night.

Mr. CRISP. Then I withdraw the bill for the present.

#### LIFE-SAVING STATION, COQUILLE RIVER, OREGON.

Mr. TARSNEY. I call up for consideration the bill (H. R. 11643) to provide for the establishment of a life-saving station and life-saving crew at the mouth of the Coquille River, Oregon.

The bill was read, as follows:

*Be it enacted, etc.,* That the sum of \$8,000 be, and the same is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the pur-

pose of establishing a life-saving station, and providing for a life-saving crew, at mouth of Coquille River, in Coos County, in the State of Oregon.

The committee recommended the following amendment:

Strike out all of lines 3, 4, 5, and 6 and insert: "That a life-saving station be, and is hereby, established at the mouth of Coquille River, in Coos County, in the State of Oregon."

Amend title by striking out "and life-saving crew."

Mr. TARSNEY. The bill carries no appropriation. It has been amended in that respect on the recommendation of the committee, and I ask that the amendment be adopted and the bill passed.

The amendment of the committee was concurred in.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

The title was amended to conform.

#### STEAMER GEORGE H. PARKER.

Mr. CLARDY moved to discharge the Committee on Commerce from the further consideration of the bill (H. R. 7028) to admit to registry the steamer George H. Parker, and to put it on its passage.

The bill was read, as follows:

*Be it enacted, etc.,* That the steamer George H. Parker, so called, and now the property of Abram Smith, a citizen of the State of Michigan, resident at Algonac, St. Clair County, Michigan, be, and said steamer is hereby, directed to be admitted to registry, under the rules and regulations of the Department of the Treasury in that behalf made, and on like terms and conditions as though said steamer was constructed within the United States; and that prior to such registry the said steamer shall, under the direction of the Secretary of the Treasury, be inspected by the local inspectors of the port where such steamer may be when such inspection is ordered, with reference on each inspection to the condition and safety of the hull, boilers, machinery, and all other equipments of said steamer as a common carrier of passengers and merchandise, and for service on the lakes and rivers of the Northwest.

Mr. FARQUHAR. I would like to have a little explanation of this bill.

Mr. WHITING, of Michigan. Mr. Speaker, the fact is, that the steamer is an American-built tug-boat; was sold to Canadian parties, was wrecked, was bought as a wreck, and almost three-fourths of the value was expended in the repair, but not enough to permit the vessel to come in under the law. The gentleman applied to the Commissioner of Navigation, but as the amount fell short a very little the Commissioner said it could only be done by special act. It does not involve a dollar of cost or injustice to an American citizen. It simply gives another American citizen the chance of owning American property.

Mr. FARQUHAR. The explanation is satisfactory.

Mr. BUCHANAN. Does the gentleman understand that the steamer was built originally in the United States?

Mr. WHITING, of Michigan. It was originally built in the United States.

The motion was agreed to.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. WHITING, of Michigan, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

#### WATER-WORKS CRIB AT LAKE VIEW, ILL.

Mr. DUNHAM. I call up for consideration the bill (H. R. 11901) to authorize the city of Lake View, Ill., to erect a crib in Lake Michigan for water-works purposes.

The bill was read, as follows:

*Be it enacted, etc.,* That the consent of Congress is hereby given to the city of Lake View, county of Cook, and State of Illinois, to extend a tunnel, or inlet pipes, into Lake Michigan so far as may be deemed necessary to insure a supply of pure water, and to erect a pier or piers and crib in the navigable waters of said lake for the making, preserving, and working of said aqueducts or pipes or tunnel, the plan and location thereof to be subject to the approval of the Secretary of War: *Provided,* That said city shall furnish and maintain at its own expense such beacon lights or other signals on such piers or crib as the Light-House Board shall prescribe.

Mr. CLARDY. It involves no expenditure of public money.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. DUNHAM moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

#### BUREAU OF PUBLIC HEALTH.

Mr. DAVIS. I now ask to call up the bill (H. R. 1526) to prevent the introduction of contagious and infectious diseases into the United States, and to establish a bureau of public health. I ask unanimous consent to consider it in the House as in Committee of the Whole. The gentleman from Georgia [Mr. CRISP] withdraws his objection.

The title of the bill was read.

The SPEAKER *pro tempore*. Is there objection to the request of the gentleman from Massachusetts to discharge the Committee of the Whole from the consideration of this bill and that it be considered in the House?

Mr. DUNHAM. I think that bill ought to go to the Committee of the Whole.



The SPEAKER *pro tempore*. The gentleman from Illinois objects. Mr. JOSEPH D. TAYLOR. I do not think the gentleman ought to object. He has just got his bill through, and that seems to be a lack of generosity.

Mr. DAVIS. The bill can be considered in the House. I do not propose to take snap judgment upon it.

Mr. DUNHAM. Let the bill be read subject to objection.

The bill was read, as follows:

*Be it enacted, etc.*, That there shall be established in the Department of the Interior a bureau of public health. There shall be appointed from civil life by the President, by and with the advice and consent of the Senate, a commissioner of health, who shall be intrusted with the management of the bureau herein established. He shall be paid an annual salary of \$4,500. For his use the Secretary of the Interior shall provide suitable offices, and, with the approval of the same, he shall employ such assistants and clerks as may be necessary.

SEC. 2. That it shall be the duty of the Department of State to obtain from the consular officers at foreign ports and places all available information in regard to the sanitary condition of such ports and places, and to transmit the same to the bureau of health; and said bureau shall also obtain, through all sources accessible, including State and municipal sanitary authorities throughout the United States, weekly reports of the sanitary condition of ports and places within the United States; and shall prepare, publish, and transmit to the medical officers of the Marine-Hospital Service, to collectors of customs, and to State and municipal health officers and authorities weekly abstracts of the consular sanitary reports and other pertinent information received by said bureau; and shall also, as far as it may be able, by means of the voluntary co-operation of State and municipal authorities, of public associations and private persons, procure information relating to climate and other conditions affecting the public health; and shall make an annual report of its operations to Congress, with such recommendations as it may deem important to the public interests; and said report, if ordered to be printed by Congress, shall be done under the direction of the bureau. That the necessary printing of the bureau of public health shall be done at the Government Printing Office upon the requisition of the commissioner of health, in the same manner and subject to the same provisions as other public printing for the several departments of the Government.

SEC. 3. That the commissioner of health shall, under the direction of the Secretary of the Interior, frame rules which, when approved by the President and issued by the Department of State, shall serve for the instruction of consular officers of the United States and of the medical officers serving at any foreign port. In compliance with these rules, every master of a vessel destined for a port of the United States shall be furnished with a certificate containing a detailed statement of the inspection of the vessel, cargo, crew, and passengers, and of the sanitary measures carried out at the expense of the vessel; or if such measures are not carried out, instant warning shall be transmitted to the bureau, who shall immediately notify the quarantine authorities of the port of destination.

SEC. 4. That the bureau of public health shall, with the approval of the Secretary of the Interior, make investigations, both in the United States and, if necessary, in foreign countries, into the nature, origin, and prevention of contagious and epidemic diseases, as well as the causes and conditions of particular outbreaks of disease in the United States, and shall publish and distribute documents relating to the prevention of disease.

SEC. 5. That the President is authorized, when requested by the bureau of public health, and when the same can be done without prejudice to the public service, to detail officers from the several Departments of the Government for temporary duty, to act under the direction of said bureau, to carry out the provisions of this act; and such officers shall receive no additional compensation except for actual and necessary expenses incurred in the performance of such duties. When a detail of suitable officers can not be made, the commissioner of health may employ such experts, and for such time and in such manner as the funds at the disposal of the bureau may warrant, subject to the approval of the Secretary of the Interior.

SEC. 6. That to defray the expenses incurred in carrying out the provisions of this act the sum of \$75,000, or so much thereof as may be necessary, is hereby appropriated, to be disbursed under the direction of the Secretary of the Interior, on the requisition of the commissioner of health.

SEC. 7. That an act entitled "An act to prevent the introduction of contagious and infectious diseases into the United States, and to establish a national board of health," approved March 3, 1879, and all other acts and parts of acts conflicting with the provisions of this act are hereby repealed.

SEC. 8. That this act shall take effect sixty days after its passage, within which time the commissioner of health shall be appointed, subject to the approval of the Secretary of the Interior.

The committee propose the following amendments:

In line 6 of section 5 strike out the word "of," and in line 12 of the same section, after the word "warrant," insert the words "subject to the approval of the Secretary of the Interior."

The SPEAKER *pro tempore*. The gentleman from Massachusetts asks unanimous consent to discharge the Committee of the Whole House on the state of the Union from the further consideration of this bill, and that it may be considered in the House. Is there objection?

Mr. DUNHAM. I think it had better go to the Committee of the Whole. I have no objection to its going to the Committee of the Whole House.

Mr. CLARDY. I move that the House resolve itself into Committee of the Whole House on the state of the Union for the purpose of considering the pending bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, Mr. ROGERS in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the purpose of considering the bill the title of which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 1526) to prevent the introduction of infectious and contagious diseases into the United States, and to establish a bureau of public health.

Mr. DAVIS. I will state that the committee propose to amend the bill as in draught by adding, at the conclusion of section 5, the words "subject to the approval of the Secretary of the Interior." They also propose to amend section 6 by striking out "seventy-five thousand" and inserting "fifty thousand;" and they propose to strike out all after the word "appointed," in section 8.

Mr. BRECKINRIDGE, of Kentucky. If it does not interrupt the

gentleman too much, I desire to state to him that I shall move to strike out the words "the Interior" and amend by inserting "Agriculture." Since we have got that Department and a Secretary of Agriculture, I do not see why we should not give him some work and relieve the Secretary of the Interior, who has already too much work.

Mr. DAVIS. This bill provides for the appointment of a commissioner of health, to be subordinate to the Secretary of the Interior, and whose duty it shall be to collect information through our State officials abroad respecting the sanitary condition of foreign countries and the presence there of contagious, infectious, or epidemic diseases which might be brought to our own country.

He will also take measures to ascertain the presence and location of such diseases in our own country and adopt the necessary means to prevent their general diffusion.

He will also be required to suggest methods looking to a more uniform and reliable system of registration in the States in order that decennial vital statistics shall be at once more valuable and more easily and promptly secured. It will be his duty to make investigations into the prevalence of diseases of any particular class or type in certain sections of our widely extended country and their absence or comparative rarity elsewhere. To note the effect of the great variety of climate, soil, and topography which obtain within a territory so vast as ours upon the health, longevity, vigor, and physical characteristics of our people. To note also the effect of occupations upon health. To correspond with the State boards of health, giving and receiving information therefrom, and co-operating with and assisting them in the investigation of sanitary subjects, and in concerting and carrying into effect measures to prevent the spread of disease and improve public sanitation.

His functions will indeed be co-ordinate in many respects with those of the State boards with whom he will be frequently called to act. His investigations will, of course, have a wider scope and will be more valuable for that reason. As a central authority known to be in entire harmony with the State sanitary authorities, he will be able to make suggestions to one or all of them which may be of the greatest service to sanitary science.

The measure proposed by this bill is a logical sequence of the very general establishment of State boards of health.

It is my impression that there are now thirty-one of these boards, and they command the entire confidence of the medical profession and the people wherever they exist. They have been established in more than three-fourths of the States, and in no instance have they been abolished. They have everywhere rendered most eminent service. They have taught the people the most important lessons relating to public health. They have been the means of securing the most salutary legislation respecting the sources of water supply for cities and towns, respecting food and drug adulterations, and the ventilation of public buildings, the abatement of nuisances, and the removal from cities and densely-populated towns of such kinds of business as may be prejudicial to the public health and comfort, and they have made most thorough investigations into the causes of disease connected with imperfect sanitation or whatever tends in sensible degree to increase the death rate, and they have also improved the system of vital registration.

I need hardly dwell upon the importance of each of these duties; and the necessity for prompt and effective measures to check the progress of contagious and infectious diseases when introduced from abroad or originating here will be at once admitted and can not be overstated. A widespread visitation of yellow fever or that more dreadful scourge, cholera, appals the imagination to contemplate, and would carry consternation and death throughout the land. No calamity, not even an invading army, could produce more distress or inflict greater havoc upon our business interests.

We know that the progress of yellow fever can be arrested by proper measures fearlessly and efficiently applied. And it is believed that much can be done to prevent the spread of that still more dreaded and fatal scourge should it reach our shores again, as it is now threatening to do.

The annual reports of the State boards contain a mass of most valuable scientific and practical information upon all subjects connected with the public health. For several years a conference of these boards has assembled annually and its proceedings are of great interest and value.

I would add that the National Public Health Association, which has accomplished so much for sanitary science, is composed largely of members of the State boards of health, or this at least is the fact with its prominent and active members. For some years the representatives of the State boards of health had felt the great importance and indeed necessity for some national authority with whom they could communicate and who could co-ordinate and supervise their labors. To accomplish this there should be entire harmony and co-operation between the national bureau and the State boards, and the former should command the entire confidence and support of the latter.

The greater part of compulsory regulation of health matters comes under the police power which belongs to the States, and it is by the voluntary co-operation of the health authorities that this bill will give powerful aid to them in securing such co-operation and also prompt, reliable, and invaluable information of the kind which they desire.



Inasmuch as the main purpose of Federal legislation upon public health matters should be to aid and co-operate with the States in their efforts to prevent disease and death, and not to override them, it seems clear that the wishes of the State health authorities should have great weight with Congress in considering this question.

After a year's consideration this bill was prepared by the conference of the State boards at its annual meeting, and was afterward approved by the National Public Health Association, and was handed to me to introduce in the last Congress. It was favorably reported by the Committee on Commerce of that Congress, but was not reached upon the Calendar. It has again received a favorable report and is now before you. I know that the enactment of this bill is desired by the medical profession and I believe it to be required by the sanitary interests of the country. I believe every member of this House appreciates the disinterested, self-sacrificing, and devoted labors of that profession in the pursuit of its high calling.

These labors are not confined to the cure or alleviation of disease in the private practice of their profession; it reaches the domain of public medicine, which has been advanced to its present eminence by their unpaid but cheerful and loving labors. True to the traditions and teachings of a noble and humane culture, true to the examples of many generations of the fathers in medicine who have each (*clarum et venerabile nomen*) sank to rest followed by grateful benedictions, they strive not for wealth and honors alone or chiefly, but for the opportunity to promote the physical, mental, and moral well-being of their fellow-men.

To this end the medical profession asks you to contribute by the passage of this bill. On many subjects before this House I can not venture to speak and must defer to those whose experience here or life training better fits them to decide such issues. But upon this subject I feel more strength, and can without immodesty claim some knowledge, having been an original member of the first board of health established in this country and remaining in that capacity until my service commenced here, and I express my earnest convictions in urging the passage of this bill.

Mr. DUNHAM. Mr. Chairman, I dislike very much to oppose this bill, because my colleague on the committee, the gentleman from Massachusetts [Mr. DAVIS], is very much in favor of it; but I am satisfied that it is too large a proposition to be considered by so small a number of gentlemen as are here to-night, and I am disposed to say that I can not let the bill pass without a quorum.

Mr. BUCHANAN. Why did you not say so awhile ago and save all this time?

Mr. WILKINSON. Mr. Chairman, I think we will all admit that some legislation on public health is very much needed. We have a Bureau of Animal Industry. We spend thousands and thousands of dollars every year to stamp out pleuro-pneumonia in cattle, but how little in protecting human life from disease! It seems to me that some legislation is demanded to co-operate with and assist the State boards of health to prevent contagious diseases from entering and spreading in the United States, and to prevent in some measure, if that be possible, the panics which sometimes originate without good cause and prevail in entire communities. But, Mr. Chairman, the bill offered by the gentleman from Massachusetts covers but small part of the ground of needed legislation.

This bill will not be efficacious for the purpose for which legislation is needed. It is true that under its operation we would get some information from abroad. It directs our consuls to obtain certain information, and causes to be published certain documents intended to inform the people of the United States about yellow fever and other diseases, but so far as taking any steps to prevent in any other way the coming of yellow fever from abroad, or from one State to another, it is utterly defective. It is, however, a bill which can do no harm that I know of, but which, I think, will also do very little good.

There is a bill introduced by my colleague [Mr. LAGAN], which was prepared with great care by the board of health of the State of Louisiana and the commercial bodies of the city of New Orleans, and I intended to offer that bill with a slight modification as a substitute for this one introduced by the gentleman from Massachusetts [Mr. DAVIS] and reported by the committee. But I recognize fully the fact that on account of the lateness of the hour and of the fact that so few members are present there is no likelihood of either the original bill or a substitute for it being passed this evening. The few that are here seem determined not to take the responsibility of legislating on so important a subject, and therefore I shall not offer as a substitute at this time the bill to which I have referred, but will merely ask unanimous consent to have it printed in the RECORD as a part of my remarks.

As I have said, it is a bill which was introduced by my colleague [Mr. LAGAN], and which I am satisfied will meet the requirements of legislation on this subject, but which, owing to the lateness of the hour and the smallness of the attendance, could not pass to-night even if it were to receive the almost unanimous vote of those that are here.

The SPEAKER *pro tempore*. Is there objection to the request of the gentleman from Louisiana, that he be permitted to print the bill referred to by him as a part of his remarks?

There was no objection.

The bill, with the change referred to, is as follows:

A bill (H. R. 11723) to create a bureau of health and to prevent the introduction and extension of contagious and infectious diseases in the United States.

*Be it enacted, etc.*, That there shall be established in the Department of the Interior a board of health. There shall be appointed by the President, by and with the advice of the Senate, a chief commissioner of health of the United States, who shall, under the direction of the Secretary of the Interior, organize and manage the bureau of health herein established, and may employ such assistants and clerks as may be necessary, with the approval of the Secretary of Agriculture. The Secretary of Agriculture shall provide suitable offices for the bureau of health. The chief commissioner of health of the United States shall be paid an annual salary of \$5,000, and shall hold his office until he shall have attained the age of seventy years, unless sooner removed by the President.

Sec. 2. That there shall be appointed by the President a health commission, to be composed of twenty members, to be divided into six sections, as follows: Five commissioners for the yellow-fever section; three commissioners for each of the following sections: Cholera section, three; typhoid-fever section, three; scarlet-fever section, three; small-pox section, three; diphtheria section, three. The members of each section shall be experts in the disease to which their section is devoted. Each commissioner shall receive an annual salary of \$1,200, and may reside at his usual residence, except when called into active duty under the provisions of this act. These several sections shall be charged with directing the investigation by the commissioner of health into the cause, origin, and mode of extension and measures to prevent the respective diseases to which they are named. Each section shall formulate methods and rules for the prevention of the respective diseases with which they are charged, to be submitted for the revision and approval of the whole health commission at its annual meeting hereinafter provided for.

The health commission shall designate five of their number, three of whom shall constitute a quorum, to be known as "the quarantine commission." This quarantine commission shall examine into the methods of State and local quarantines at the various seaports of the United States and report to the health commission as to the efficacy or non-efficacy of the same. The quarantine commission shall also be charged with the duty of investigation into and recommendation to the health commission the best manner of equipment and methods of procedure for the various national quarantine stations which are now or may hereafter be constructed. Upon the report of the quarantine commission to the health commissioner that the quarantine service at a port or ports of the United States is inefficient or negligent in its management, the health commissioner is empowered and commanded to direct the United States collector of customs of that port to refuse entry to any vessel or goods or persons from any place infected with any contagious or infectious disease into such port unless said vessel, goods, or persons shall have undergone the quarantine process prescribed at some national quarantine station or at that of some other port of the United States whose quarantine service has not been condemned by the quarantine commission.

Sec. 3. That the entire health commission shall meet annually in Washington, D. C., in the month of April, on a day to be fixed by the chief commissioner of health of the United States, and at its sessions he shall preside; and at said annual session the health commission shall adopt plans for the prevention of the introduction into the United States of contagious and epidemic diseases, and the prevention of their spread, and make rules and regulations for interstate quarantine, and for the non-interference with interstate communication during a threatening epidemic and preparations for the suppression of a threatened epidemic.

Sec. 4. That whenever an epidemic of yellow fever, cholera, diphtheria, typhoid fever, scarlet fever, or small-pox is threatened and the governor of any State shall call upon the chief commissioner of health of the United States to that end, he shall immediately, with the assistance of the section of the health commission devoted to that particular disease, enforce and carry out the methods, rules, and regulations adopted by the health commission for that disease under the third section of this act, and, as far as possible, in co-operation with the local and State sanitary authorities, and to that end the section of the health commission so called into action shall have the disbursement of the Federal appropriation for the prevention and suppression of contagious diseases on the approval of the Secretary of the Interior.

Sec. 5. That the bureau of health and the chief commissioner of health and section of the health commission called into active duty under the foregoing provisions shall co-operate with, and, so far as it lawfully may, aid State and municipal boards of health in the execution and enforcement of the rules and regulations of such boards to prevent the introduction of contagious or infectious diseases into the United States from foreign countries and into one State from another.

Sec. 6. That it shall be the duty of the bureau of health to obtain information of the sanitary condition of foreign ports and places from which contagious and infectious diseases may be imported into the United States, and to this end the consular officers of the United States at such ports and places as shall be designated by the chief commissioner of health shall make to him weekly reports of the sanitary condition of the ports or places at which they are respectively stationed, according to such forms as he may prescribe; and the bureau of health shall also obtain, through all sources accessible, weekly reports of the sanitary condition of ports and places within the United States, and shall make investigations into the nature, cause, origin, and means of prevention of contagious and epidemic diseases as well as the causes and conditions of particular outbreaks of such diseases in the United States, and shall publish and transmit to the medical officers of the Marine-Hospital Service, to collectors of customs, and to State and municipal health officers and authorities, weekly abstracts of its sanitary reports; and to them and to the public, as far as possible, the results of its investigations into the causes and the means of prevention of epidemic diseases; and it shall make to the Secretary of the Interior an annual report of its operations, with such recommendations as it may deem important for transmission to Congress.

Sec. 7. That the bureau of health shall annually issue to the consular officers of the United States and to the medical officers serving at any foreign port, and otherwise publicly make known the rules and regulations made by the health commission for the prevention of the introduction of contagious and infectious diseases into the United States and from one State into another. The consuls shall promulgate such rules in their respective ports and places, and shall promptly inform the chief commissioner of health of the United States when any vessel destined to a port of the United States has not obeyed such rules.

Sec. 8. That the President is authorized, when requested by the section of the health commission called into active duty, or by the chief commissioner of health, to detail officers from the several Departments of the Government or employ persons from civil life for temporary duty to act under the direction of said chief commissioner of health or section of the health commission on active duty, to carry out the provisions of this act and the rules adopted by the health commission; and such officers shall receive no additional compensation except for actual and necessary expenses incurred in the performance of such duties.

Sec. 9. That the members of the health commission, when attending the annual session shall be paid their actual expenses going and returning, and the members of the section called into active duty under section 2 shall be paid their actual expenses while engaged in such active duty.



Sec. 10. That it shall be unlawful for any vessel from any port where any contagious or infectious disease exists, or having on board any infectious disease, to enter any port of the United States, except in accordance with the rules adopted by the health commission, and the certificate of the United States consul at such port shall be *prima facie* evidence of the existence of such disease in the foreign port where he is stationed. Any such vessel which shall enter or attempt to enter a port of the United States in violation of this act shall forfeit to the United States a sum to be awarded in the discretion of the court, not exceeding \$1,000, which shall be a lien upon said vessel, to be recovered in any district court of the United States where said vessel may be found. In all such proceedings the United States district attorney for such district shall appear on behalf of the United States, and all such proceedings shall be conducted in accordance with the laws and rules governing cases of seizures of vessels for violation of the revenue laws of the United States.

Sec. 11. That it shall be unlawful for any person to obstruct commerce or intercourse between the States, or between the United States and foreign countries, except in accordance with the rules of the health commission, or to obstruct the section of the health commission when called into active duty in the performance of its duties, and any violation of this section shall be a misdemeanor, and, on conviction, the person so offending shall be fined not exceeding \$1,000 and imprisoned not exceeding six months, in the discretion of the court.

Sec. 12. That to pay the first year's salaries and expenses of the bureau of health and health commission and the construction of such disinfecting appliances and appurtenances as the health commission may deem advisable, the sum of \$100,000, or so much thereof as may be necessary, is hereby appropriated, to be disbursed under the direction of the Secretary of the Interior, on estimates to be made by the chief commissioner of health and to be approved by the Secretary of the Interior.

In case of an epidemic of a contagious or infectious disease and a section of the health commission is called into active duty, the sum of \$300,000, or so much thereof as may be necessary, is hereby appropriated, to be drawn and expended under the direction of the Secretary of the Interior, to enable such section of the health commission called into active duty to suppress the disease and prevent its spread and to enforce the rules of the health commission provided for and adopted under section 3.

Sec. 13. That the following acts are repealed: An act to prevent the introduction of contagious or infectious diseases into the United States, approved April 29, 1878 (chapter 66, page 37, volume 20); an act to prevent the introduction of infectious or contagious diseases into the United States and to establish a national board of health, approved March 3, 1879 (chapter 202, volume 20, page 484); an act to prevent the introduction of contagious and infectious diseases into the United States, approved June 2, 1879 (chapter 11, volume 21, page 5).

Mr. CLARDY. In view of the declared opposition to the pending bill, I suggest to my friend from Massachusetts [Mr. DAVIS] that he had better withdraw it.

Mr. DAVIS. I withdraw the bill.

Mr. CLARDY. I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and Mr. HATCH having resumed the chair as Speaker *pro tempore*, Mr. ROGERS, from the Committee of the Whole, reported that they had had under consideration a bill (H. R. 1526) to prevent the introduction of contagious and infectious diseases into the United States, and to establish a bureau of public health, and had come to no resolution thereon.

#### MANAGEMENT OF RAILROAD TRANSPORTATION, ETC.

Mr. CLARDY. I yield to the gentleman from Iowa [Mr. ANDERSON].

Mr. ANDERSON, of Iowa, called up the following resolution, reported from the Committee on Commerce:

*Resolved by the House of Representatives of the United States, That the Interstate Commerce Commission be, and hereby is, directed to report in writing within ten days to this House any and all information it may possess concerning the action of a meeting of railroad presidents in New York City January 10, 1899, so far as the same related to the management of the railway companies subject to the provisions of the interstate-commerce act, to what extent and in what manner, if at all, said commission or any of its members participated in discussing, criticising, or approving the "plan" of maintaining "rates and rules established by the association," and to accompany said report with a copy of the contract, agreement, or "plan" adopted at such meeting or subsequent meetings, and if no such agreement, contract, or "plan" is on file, the substance of such contract, agreement, or "plan," together with the opinion of the commission as to its legal character and its effect on the public, and as to what legislation is necessary to prohibit the form of contract, agreement, or combination for the prevention of competition which was submitted at the New York meeting, if the same be not already prohibited by existing law. Also transmit with said report a list of the companies represented at said meeting, and the names and official title of the persons representing each of said companies.*

The amendment reported by the committee was read, as follows:

In the third line of the resolution strike out "ten days" and insert "five days."

The amendment was adopted.

The SPEAKER *pro tempore*. The question is now on agreeing to the resolution as amended.

Mr. JOSEPH D. TAYLOR. Mr. Speaker, it seems to me that the amendment wholly destroys the effect of the resolution. It is simply impossible for these commissioners to answer all these questions, to furnish all this information, and to make all these reports inside of five days. Every member of the House must see that it would not be fair to require this commission to do what it must be apparent on the face of the matter is impossible. If this resolution had been adopted earlier and more time had been given for the reply of the commissioners, I, of course, would have had no objection to the resolution. I do not know that I have any objection, at any rate. I only make this suggestion, that it seems to me we are making an unreasonable requirement.

Mr. ANDERSON, of Iowa. Mr. Speaker, it is owing to no fault of mine that this resolution is being considered at so late a day, as it has been impossible, under the rules, to get it before the House sooner, and it seems to me that as we have now reached so late a period in the session, that if this amendment were not now agreed to the entire purpose of the resolution would be defeated.

I wish to say further that the resolution is based upon the alleged

fact that this agreement as reported through the press, undenied among the railroad presidents, was submitted to and approved by a majority of the Interstate Commerce Commission in the city of New York. It ought not to take an hour for them to report whether or not the state of facts alleged in the resolution does exist.

The SPEAKER *pro tempore*. The question is on the adoption of the resolution as amended.

Mr. COBB. Upon what does the gentleman from Iowa [Mr. ANDERSON] base the assertion of these facts as stated in the preamble?

Mr. ANDERSON, of Iowa. If I were allowed the time, I could produce what purported to be the substance of the agreement, which was published in the press of the country at the time and without contradiction, as it came from the president of the Union Pacific Railway Company in a statement published in all the daily newspapers the next morning after the meeting of the railroad presidents in the city of New York on the 10th of January; and President Adams said the "agreement of gentlemen" was submitted to three of the commissioners, naming them, and that they had substantially agreed that it was the best arrangement which had been proposed for the management and control of the transportation companies of the country. It was then, and is now, my opinion that the agreement was an unlawful agreement, and that the gentlemen's meeting was an unlawful conspiracy.

Mr. FARQUHAR. I would like to inquire of the gentleman from Iowa whether the three commissioners referred to took official action; whether they were there in their official capacity? This resolution, of course, is serious; and if the gentleman means to assert that the Interstate Commerce Commissioners, or a majority of them, consulted officially with the railroad presidents of the United States—

Mr. ANDERSON, of Iowa. I will say to the gentleman from New York [Mr. FARQUHAR] that the press reports stated they had been invited to the city of New York for the purpose of consultation, and there has been no denial that they were present in the city of New York, according to the press reports, according to the report of President Adams, and according to their own interviews in the public press. This is merely an inquiry as to the facts.

Mr. ROWELL. Is it not true that the agreement brought up in New York has been since that time entirely abrogated, and a very different agreement drawn up and signed by some of the officers in Chicago; and if this resolution should pass, would it not require that both the New York contract and the Chicago contract, still pending and not all signed, should be brought out here?

Mr. ANDERSON, of Iowa. I will say to the gentleman from Illinois [Mr. ROWELL] that this resolution calls for information as to what took place at any subsequent meeting. I will further state, having followed this matter as published in the press, that there are no substantial changes in the agreement which was called the "agreement of gentlemen" purported to be submitted to and approved by the commissioners as it was adopted in New York.

Mr. ROWELL. The agreement made in New York, as I understand, was substantially a pooling agreement—

Mr. ANDERSON, of Iowa. Yes, sir.

Mr. ROWELL. And the Western roads refused to sign it until it was modified and that portion taken out; is not that true?

Mr. FARQUHAR. That is correct.

Mr. ANDERSON, of Iowa. No, sir; I do not understand that the agreement to pool was taken out. It was an agreement to establish and maintain rates among these railroad companies as to the matter of transportation. This combination and agreement to fix and maintain rates was the essence of the agreement at all stages of the proceedings, and that is the very essence of a pool—an agreement to eliminate competition.

Mr. JOSEPH D. TAYLOR. Did not the interview disclose the fact that these commissioners were consulted informally; that as a matter of fact they took no official action in regard to the subject, either one way or the other? Is not that the fact?

Mr. ANDERSON, of Iowa. I can not say whether they were consulted informally or officially. The truth is, as I understand, that they were telegraphed to to meet the bankers and railroad presidents in the city of New York, and that they did meet them, and, according to the president of that meeting, Mr. Charles Francis Adams, the plan was submitted to them, and they, after suggesting some minor changes, approved it. They have authority under the statute to go where they see proper throughout the country in the discharge of their official duties.

Mr. BRECKINRIDGE, of Kentucky. Let the resolution be again read.

The Clerk again read the resolution.

Mr. WHITE, of New York. Mr. Speaker, I do not like to take up the time of the House. I was in hopes we would get along and really do what belonged to the business of the country before the Commerce Committee. This, sir, is the era of legislative anarchy, and gentlemen who are elected by communists and anarchists in this country hope to inscribe their names high on the roll of fame by presenting themselves all the time as men who stand ready to do something to destroy property upon the building of which the wealth and prosperity of their constituents depend.

I know, sir, how common it is out in the country where I formerly



lived to say, "We have got the railroads, and you Wall-street fellows have got the bonds and stocks. Now let us see which is the most profitable." I remember perfectly well when I lived in that country how anxious we were, and how the best Representatives in Congress or in the Legislature were prepared to fall upon their knees and say, "Good Lord! good Wall-street men, bring us your railroads and give us a market for our products." They were taken there; they were built by foreign capital, and now the efforts of a very large body of practical communists are put forth all the time to make them wholly unproductive. And because they are there, and because the men who own them have tried to protect them, it affords an opportunity for men who desire to pose as the friends of labor and the friends of the granger and the friends of the poor men who are having their property mortgaged to decry the improvements in this country which made their property worth something.

Mr. ROWELL. I should like to ask my friend from New York a question.

Mr. WHITE, of New York. Certainly.

Mr. ROWELL. I should like to ask the gentleman whether these men are communists and anarchists who put forth only such efforts as the Supreme Court of the United States has decided they possessed under the law?

Mr. WHITE, of New York. I do not think the gentleman's hypothetical question reaches this case. What I mean to say is that the gentlemen who have been in the front in bringing this resolution forward have had all the glory. It is unbecoming the Congress of the United States, with twenty-five to thirty men sitting around, desiring to call the attention of the country and their constituents to the fact they are doing something against the railroads; it is unbecoming the dignity of the Congress of the United States at such a time, with such a body, under such circumstances, that this Fourth of July hifalutin attempt to write their names high up in the annals and records of the legislation of this country should have this proposed consideration.

Mr. CLARDY. I like the gentleman's speech very well, but we have a great many other bills to consider and pass before the adjournment.

Mr. WHITE, of New York. I have learned something from the tactics of the gentleman who introduced this bill and who sent forward at one time the penal code of the District of Columbia to be read on the morning when a two-thirds vote for suspension of the rules was in order, and unless my strength fails me before 10 o'clock, the resolution will not pass. [Laughter and applause.] I would therefore suggest to the gentleman to withdraw it. In the mean time he has had glory enough out of it. I am willing to yield to him for any glory there be in speaking, but there will not be any glory for him by the passage of the resolution.

Mr. ANDERSON, of Iowa. Mr. Speaker, I am not going to detain the House by any effort to answer the gentleman from New York, who has made a speech wholly and entirely without reference to the matter under discussion. In my humble opinion he has not offered a single word germane to the discussion at issue, but has availed himself of the opportunity to offer an insult to as intelligent and as loyal a district of people as live in the United States of America. And they are certainly as intelligent, certainly as loyal, and certainly as patriotic as the Wall street district of my friend, and which he represents so fittingly on this floor.

This is not a question of making an assault upon the railroad property and vested interests in the United States, but it is a question as to whether or not the railroad presidents in this country, in connection with the bankers and capitalists of the country, and with the approval of the Interstate Commerce Commission did not have a meeting that constituted an unlawful assembly in the eye of the law, where they were agreeing among themselves to do that thing which was directly in violation of the law, under the specious pretense that they had assembled to take some means to enforce the law.

Mr. FARQUHAR. Right there allow me to say that that is the very point in the gentleman's speech that I desired some inquiry about, in relation to the Interstate Commerce Commission and its connection with this meeting—

Mr. ANDERSON, of Iowa. I can not yield to the gentleman.

In connection with that meeting, Mr. Speaker, we have the spectacle, as the report goes through the public press undenied, that a majority of the United States Commission on Interstate Commerce met with these gentlemen in the same city, and after having had the argument of gentlemen submitted to them, the further report comes that they agreed to that "plan," suggesting a few verbal changes, which were made by the presidents of the railroad companies.

Now, I submit, sir, if these facts are true, and this resolution seeks to elicit that information, if it is not a grave and serious matter; and being a mere resolution of inquiry, I ask in the name of common sense if there is no truth in it who it is to recoil upon but the gentleman that the gentleman from New York has so inveighed against as wanting to pose here as a "reformer to get himself before the country?" If it is not true; if the Commissioners of Interstate Commerce can exonerate themselves from the charge made in the public press; if they can send back that report and it shows that there is no foundation for the passage of the resolution of inquiry, who is to be harmed?

Certainly not the railroads, or the gentleman from New York, or the Interstate Commerce Commission; and if it is true, the people are entitled to know the facts, and they are entitled to know them at once.

Mr. Speaker, I could take from my desk, and have read here, from the speech of the leading railroad man in this country, who was president of that New York meeting, Charles Francis Adams, extracts in which he says that the railroad companies are violating the interstate-commerce law from one end of the country to the other; and the Interstate Commerce Commission has stumped the country declaring that the law is being violated, and in numerous interviews have so declared, if there is any reliance to be placed upon the uncontradicted statements made through the press of the country.

These facts are submitted unchallenged and unquestioned in the public press; and I can show from evidence of witnesses, evidence which I now have in my desk taken before the Interstate Commerce Commission, testimony of managers and superintendents of railroads, testifying brazenly, unrebuked in the presence of the Interstate Commerce Commission, that the statute is a dead letter.

In view of these facts, sir, I insist upon pressing this question. This resolution ought to be adopted. The people are entitled to the information, and I move the previous question on the adoption of the resolution.

Mr. BRECKINRIDGE, of Kentucky. Before the gentleman does that I would like to ask whether he will not consent to strike out the word "direct" and use the word "request?" I doubt the power of the House to direct the commission, which is a judicial or semi-judicial body. I think perhaps we are going beyond the power of the House in adopting the resolution in that form.

Mr. ANDERSON, of Iowa. Well, it was a House resolution. I considered the matter, and inasmuch as this is a commission created by law for a specific purpose, I thought that the word "directed" was the proper term to be used in connection with the information sought.

Mr. BRECKINRIDGE, of Kentucky. It is a commission, that is true; it is called a commission; but its powers are certainly to a certain extent judicial.

Mr. ANDERSON, of Iowa. I think there is no trouble about the wording of the resolution in that respect.

Mr. DUNHAM. Let me suggest to the gentleman from Iowa, in view of the statement of the gentleman from New York, would it not be well for him to withdraw the resolution? The gentleman from New York has informed him that if his health holds out until 10 o'clock he will not permit the adoption of the resolution, and as there are other matters that ought to be considered I would suggest that it be withdrawn.

Mr. ANDERSON, of Iowa. I insist upon the previous question.

Mr. DUNHAM. Well, let us have the question. [Cries of "Vote!" "Vote!"]

The question was taken on ordering the previous question; and there were on a division—ayes 19, noes 1.

Mr. WHITE, of New York. No quorum.

The SPEAKER *pro tempore*. The Chair will appoint tellers.

Mr. CLARDY. I ask the gentleman from Iowa to withdraw the resolution, as it will be impossible to secure the attendance of a quorum to pass it to-night.

Mr. ANDERSON, of Iowa. In view of the point made of no quorum, and the request of the chairman of the Committee on Commerce, I withdraw the resolution, as it will be impossible to procure a quorum to-night; but I am glad to know that the objection is located precisely where it is, in Wall street.

The SPEAKER *pro tempore*. Without objection, the resolution will be withdrawn.

There was no objection, and it was so ordered.

#### LIGHT-HOUSE AND FOG-SIGNAL AT ORCHARD SHOALS, NEW YORK.

Mr. CLARDY. I ask to report back from the Committee on Commerce the bill (S. 3818) to establish a light-house and fog-signal at Orchard Shoals, Prince's Bay, New York, and ask consideration of it at this time. I ask to dispense with the reading of the bill, as it is in the usual form.

The SPEAKER *pro tempore*. The gentleman from Missouri asks that the Committee of the Whole House on the state of the Union be discharged from the further consideration of the bill, and that it be considered at this time.

Mr. CLARDY. I ask to report the bill back from the Committee of Commerce, and that it be considered at this time.

The SPEAKER *pro tempore*. Is there objection to the request of the gentleman from Missouri? The Chair hears none.

The bill was read, as follows:

*Be it enacted, etc.*, That the sum of \$60,000 be, and is hereby, appropriated for establishing a light-house and fog-signal at or near Old Orchard Shoals, Prince's Bay, New York, and for a new tower at Waacaack light-station, New Jersey.

It is proposed to strike out "the sum of \$60,000 be, and is hereby, appropriated" and insert "that there be established a light-house and fog-signal station, etc., at a cost not to exceed \$60,000."

The SPEAKER *pro tempore*. The bill will be read as proposed to be amended.

The Clerk read as follows:

*Be it enacted, etc.*, That there be established a light-house and fog-signal at or



near Old Orchard Shoals, Prince's Bay, New York, and a new tower at Waasack light-station, New Jersey, at a cost not to exceed \$60,000.

The amendment was agreed to.

The bill as amended was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. CLARDY moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

#### FRAUDS ON AMERICAN MANUFACTURES.

Mr. DUNHAM. I call up the bill (H. R. 3307) to prevent frauds on American manufactures.

The bill was read, as follows:

*Be it enacted, etc.,* That the importation of all articles of foreign manufacture, or of boxes or packages containing the same, when stamped, marked, branded, or labeled to represent that such articles were manufactured in the United States, is hereby prohibited, and the same shall be forfeited to the United States unless re-exported within ninety days after the same shall have been received at any custom-house.

Sec. 2. That this act shall take effect on the 1st day of July, A. D. 1888.

Mr. DUNHAM. I yield to the gentleman from Connecticut [Mr. VANCE].

Mr. VANCE. It is proposed, in line 5, after the word "labeled," to strike out the words "to represent."

Mr. BUCHANAN. That does not make sense in the way it is amended.

Mr. CLARDY. It is proposed to amend by striking out the latter part of the first section, which reads: "Unless re-exported within ninety days after the same shall have been received at any custom-house."

Mr. VANCE. I hope that amendment will not be agreed to. It opens up a very considerable subject where goods are brought into this country. When they are reimported the importer may be liable for them; therefore I hope it will not be agreed to. This bill is as I introduced it. The committee offers this amendment, and it goes further than the bill proposed. Therefore I hope that it will not be agreed to.

Mr. CLARDY. The committee agreed to this amendment after considerable discussion of this bill. I want to say that this is a matter that is in the Senate tariff bill, and it involves the discussion of some hours, if not of some days; I do not think we have time to go on with it.

Mr. O'NEILL, of Missouri. We can pass it in a short time.

Mr. ADAMS. What amendment does the Chair refer to as pending?

The SPEAKER *pro tempore*. The amendment that is pending before the House is the amendment offered by the committee, which is to strike out what will be read by the Clerk.

The Clerk read as follows:

Strike out the following words in the concluding portion of the first section: "Unless re-exported within ninety days after the same shall have been received at any custom-house."

Mr. VANCE. I will satisfy the gentleman in relation to this bill.

Mr. ADAMS. I do not care to discuss it. It is the other amendment.

Mr. VANCE. I have no objection to the other amendment.

Mr. ADAMS. But I have, because it would deprive it of all effect. It was a limit, a prohibition, to those articles where the stamp expressly declared that they are manufactured in the United States.

Mr. VANCE. Mr. Speaker, this bill is a simple one and needs no extended remarks in its defense. As I am indebted to the Committee on Commerce for a hearing at this time I do not propose to use all the evidence I have at hand. I appreciate the courtesy with which I have been treated, and, knowing as I do, that much legislation of importance is to be considered in the brief time given to this committee, I will not presume upon the good nature of the House. I have material sufficient, much of it furnished ill-advisedly by the opponents of this bill, to take hours of your time, but will forbear.

This measure is one which must commend itself to the good grace and wise discretion of the House. It is drawn to prevent forgery, and simply gives to American manufacturers the rights in competition with foreign makers, which they now have, as against competition in the United States. It provides that no goods of foreign make shall be sold here on the presumption that they are produced in this country, and it gives to manufacturers here the right to their own trade-mark against the world, as well as the right to object to the sale of goods which bear false or misleading marks. That this is being systematically done by foreign manufacturers, particularly of cutlery, I have proved to the complete satisfaction of the committee reporting this bill.

If the time were given me I could prove that other articles, ostensibly of American manufacture, are sold here by foreign makers, and that American firms engaged in manufacturing skates, guns, hosiery, cotton goods, and edged tools are not alone hurt at home by this traffic, but are injured in their trade abroad. There is one firm in my district alone—the famous Collins Company—which manufactures superior articles of axes and edge tools. Its trade-mark has been simulated in foreign countries and the reputation which its goods have achieved on their merits is being stolen by what is practically forgery. But this is one evil which Congress can not correct. It can, however, remedy the wrong within the limits of the United States, and the bill under consideration is intended to do it.

The practice has grown up of sending to this country inferior goods branded to create the assumption that they are made here, and to this practice is the objection made. Already three hundred American names are being put upon foreign cutlery, and to give the House an idea of the manner in which this is done I will quote the following as specimens intended to create the conviction that the purchaser is buying American goods:

New England Cutlery Company, Bay State Cutlery Company, Granite State Cutlery Company, Pennsylvania Cutlery Company, Western Cutlery Company, Chicago Knife Company, Maine Knife Company, Ames Cutlery Company, Fulton Cutlery Works, Irving Cutlery Company, Eagle Cutlery Company, Clinton Cutlery Company, Manhattan Cutlery Company, Knickerbocker Cutlery Company, St. Lawrence Cutlery Company, National Cutlery Company, Eagleton Cutlery Company, Derby Cutlery Company, Chatham Cutlery Company, York Cutlery Company, Essex Cutlery Company, Windsor Cutlery Company, Mount Vernon Cutlery Company, Southfield Cutlery Company, Nelson Cutlery Company, Easton Shear Company, Buck Cutlery Company, Worthington Cutlery Company, Howard Manufacturing Company.

If these goods were sold upon their merits and with the maker's name affixed, no objection would be made. But aside from depriving the American cutler of a market which is essentially his, this method puts his goods in bad repute. It reacts upon his reputation as a maker of fine goods, and thus is its influence twofold to the detriment of Americans who have made a reputation in trade which is their most valuable asset. The duty is paid on these American imprinted goods as cheap foreign goods and they are sold as the best American article. This is a fraud upon the public; it is obtaining trade under false pretenses; it is more than the theft of money; it is the pilfering of a reputation. But I forbear. I was about to quote the words of Shakespeare in defense of my position. It needs no defense.

This evil has been recognized in England, and the following is an extract from an act known as the "Merchandise marks act" (50 and 51 Vict.) passed by Parliament in 1887:

Whereas it is expedient to make further provision for prohibiting the importation of goods which, if sold, would be liable to forfeiture under this act, be it therefore enacted as follows:

1. All such goods, and also all goods of foreign manufacture bearing any name or trade-mark being or purporting to be the name or trade-mark of any manufacturer, dealer, or trader in the United Kingdom, unless such name or trade-mark is accompanied by a definite indication of the country in which the goods were made or produced, are hereby prohibited to be imported into the United Kingdom, and, subject to the provisions of this section, shall be included among goods prohibited to be imported as if they were specified in section 42 of the customs consolidation act, 1876.

4. Where there is on any goods a name which is identical with or a colorable imitation of the name of a place in the United Kingdom, that name, unless accompanied by the name of the country in which such place is situate, shall be treated for the purposes of this section as if it were the name of a place in the United Kingdom.

And now, gentlemen, I have alluded to several of the points in favor of the passage of this bill. The evidence is cumulative, and the more we examine it the more convincing it becomes. It is simply an act of justice, a bit of equity crystallized into a law, and believing that I have proved these facts beyond a peradventure, I ask the House to sustain me by passing the bill.

The question was taken on the amendment; and the Speaker *pro tempore* announced that the ayes seemed to have it.

Mr. CLARDY. Division.

The amendment was agreed to.

The SPEAKER *pro tempore*. The question now is on the second amendment, offered by the gentleman from Missouri, in line 5, to strike out the words "to represent."

The amendment was agreed to.

Mr. VANCE. I ask unanimous consent that the date in the second section be changed from 1888 to 1889. The bill was introduced a year ago.

The amendment was agreed to.

The SPEAKER *pro tempore*. The question is on the engrossment and third reading of the bill as amended.

Mr. CLARDY. I suggest that the time for adjournment has arrived.

Mr. BUCHANAN. If the gentleman wants to subject us to further frauds on the part of foreign manufacturers he can do so. The bill is to prevent a bald, bare-faced fraud on the American people.

Mr. CLARDY. Now, I would like to have a vote of the House upon this bill.

The SPEAKER *pro tempore*. The Chair will state that the hour of 10 o'clock p. m. having arrived, under previous order the Chair declares the House adjourned until 12 m. to-morrow.

#### PRIVATE BILLS INTRODUCED AND REFERRED.

Under the rule private bills of the following titles were introduced and referred as indicated below:

By Mr. BLISS: A bill (H. R. 12632) granting a pension to James A. Davis—to the Committee on Pensions.

By Mr. DUBOIS: A bill (H. R. 12633) to ratify an act entitled "An act to provide for a wagon-road between Mount Idaho, in Idaho County, and Little Salmon Meadows, in Washington County," in Idaho Territory—to the Committee on the Territories.

By Mr. STOCKDALE: A bill (H. R. 12634) for the relief of Ada E. Lawrence, administratrix of C. De France—to the Committee on War Claims.



## PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. JEHU BAKER: Petition of C. F. Winston and others, favoring a sufficient appropriation to fully and fairly test the mode by which sugar can be manufactured from sorghum cane at the least possible cost—to the Committee on Agriculture.

By Mr. BUCHANAN: Petition of Hon. John D. Rue and others, for the passage of the army-nurse pension bill—to the Committee on Invalid Pensions.

By Mr. GIFFORD: A memorial in regard to enactment of a law permitting certain counties to issue bonds—to the Committee on the Territories.

By Mr. J. J. O'NEILL: Resolution of the military order of the Loyal Legion of the United States, requesting the publication of the war records of the Navy Department—to the Committee on Naval Affairs.

By Mr. REED: Petition of J. H. Dennison and others of the Thirtieth Regiment Maine Volunteer Infantry of the late war, asking for the balance, \$240 bounty due them which they never received—to the Committee on Claims.

By Mr. TOOLE: Joint memorial of the Legislature of Montana asking the adoption of the conference report and pending admission bills—to the Committee on the Territories.

By Mr. TRACEY: Petition of Littlefield Stove Company, Albany, N. Y., to retain mica on the free-list—to the Committee on Ways and Means.

By Mr. W. L. WILSON: Petition of David Hunter, of Jefferson County, West Virginia, praying that his claim be referred to the Court of Claims; of S. Howell Brown, administrator of James M. Brown, deceased, for reference of his claim to Court of Claims; and of George W. Farris, of Morgan County, West Virginia, for reference of claim to Court of Claims—to the Committee on War Claims.

The following petitions praying for a constitutional amendment prohibiting the manufacture, importation, exportation, transportation, and sale of all alcoholic liquors as a beverage, were received and severally referred to the Select Committee on the Alcoholic Liquor Traffic:

By Mr. E. P. ALLEN: Of 192 citizens of Hillsdale, Mich.

By Mr. DORSEY: Of 46 citizens of Inman, Ind.; of 101 citizens of Dewitt, Nebr.

By Mr. GIFFORD: Of 17 citizens of Yankton, Dak.

By Mr. T. D. JOHNSTON: Of 28 citizens of Asheville, N. C.

By Mr. KERR: Of 62 citizens of Marshall County, Iowa.

By Mr. NELSON: Of 79 citizens of Moorhead, and of 294 citizens of Verndale, Minn.

By Mr. C. A. RUSSELL: Of 160 citizens of Pomfret, Conn.

By Mr. J. W. STEWART: Of 59 citizens of Hinesburgh, Vt.

By Mr. EZRA B. TAYLOR: Petition of 28 citizens of Colebrook, Ohio.

By Mr. TRACEY: Of 134 citizens of Newport, and of 107 citizens of Monticello, Minn.

The following petition for a national Sunday-rest law was received and referred to the Committee on Labor:

By Mr. VOORHEES: Petition of 386 citizens of Washington Territory.

## SENATE.

THURSDAY, February 21, 1889.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday's proceedings was read and approved.

## STATISTICS REGARDING MARRIAGE AND DIVORCE.

The PRESIDENT *pro tempore* laid before the Senate the following communication from the Commissioner of Labor; which was read:

DEPARTMENT OF LABOR, Washington, D. C., February 20, 1889.

SIR: I have the honor to transmit to Congress herewith a special report on the statistics of and relating to marriage and divorce in the several States and Territories and in the District of Columbia.

This report is made in accordance with the provisions of an act approved March 3, 1887.

I am, very respectfully, your obedient servant,

CARROLL D. WRIGHT, Commissioner.

Hon. JOHN J. INGALLS,  
President *pro tempore* United States Senate.

The PRESIDENT *pro tempore*. The letter will lie on the table and be printed. What disposition shall be made of the accompanying papers which lie on the table of the Secretary?

Mr. SHERMAN. I move that they be referred to the Committee on Printing to ascertain whether it be necessary that they should be printed.

The motion was agreed to.

## CHANGES IN DISTRICT OFFICES.

The PRESIDENT *pro tempore* laid before the Senate a communication from W. B. Webb, president of the board of commissioners of the

District of Columbia, transmitting, pursuant to a resolution of February 8, 1889, a list of officers and employes under the control of the commissioners who have been changed since March 4, 1885; which, with the accompanying papers, was referred to the Select Committee to Examine into the Condition of the Civil Service, and ordered to be printed.

## COURT OF CLAIMS REPORT.

The PRESIDENT *pro tempore* laid before the Senate a communication from the clerk of the Court of Claims, transmitting, pursuant to law, the conclusions of fact and of law filed by that court in certain French spoliation claims; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

## PETITIONS AND MEMORIALS.

Mr. CULLOM presented a memorial of 12 citizens of Pennsylvania, and a memorial of 25 citizens of Dana, Ill., remonstrating against the passage of the Sunday-rest bill; which were referred to the Committee on Education and Labor.

He also presented a resolution adopted by the Ex-Prisoners of War Association, of Winnebago County, Illinois, urging the passage of Senate bill 505, in relation to pensions; which was referred to the Committee on Education and Labor.

He also presented a petition of labor organizations, churches, and citizens of the State of Illinois, praying for the passage of the Sunday-rest bill; which was referred to the Committee on Education and Labor.

He also presented a memorial adopted by the State Grange of Illinois, remonstrating against the national debt refunding scheme and urging that the national debt be paid off as soon as possible; which was referred to the Committee on Finance.

He also presented a resolution adopted by the State Grange of Illinois, favoring a graduated income tax and an increase in the volume of money to at least \$40 per capita; which was referred to the Committee on Finance.

He also presented a resolution adopted by the State Grange of Illinois, urging Congress to foster the commercial interests of the people by large appropriations for the improvement of inland water ways for the purposes of navigation; which was referred to the Committee on Commerce.

He also presented a resolution adopted by the State Grange of Illinois, urging Congress to investigate the cattle and dressed-beef combinations, and asking such legislation as will fully meet the case; which was referred to the Select Committee on the Transportation and Sale of Meat Products.

He also presented a petition of the State Grange of Illinois, praying for the enactment of laws that will give women the right to vote equally with men; which was ordered to lie on the table.

He also presented resolutions adopted by the State Grange of Illinois, urging the enactment of legislation providing for the election of United States Senators by a direct vote of the people; which were referred to the Committee on Privileges and Elections.

Mr. PASCO. I present a telegram from the governor of the State of Florida, stating that the Legislature of that State, now in session, has just adopted a unanimous joint resolution "urging our representatives in Washington to use all means to secure the payment of the Indian war claims, on account of our urgent necessities." As I shall make an effort to get the matter on one of the appropriation bills, I move that the paper be referred to the Committee on Appropriations.

The motion was agreed to.

Mr. PASCO presented a petition of 41 citizens of Pensacola, Fla., and a petition of 4 citizens of Tallahassee, Fla., praying for the passage of the Sunday-rest bill; which was referred to the Committee on Education and Labor.

Mr. WILSON, of Iowa, presented a petition of 68 citizens of Clinton County, Iowa, and a petition of 66 citizens of Iowa, praying for the passage of the Sunday-rest bill; which were referred to the Committee on Education and Labor.

Mr. SHERMAN presented the petition of U. J. Shotte and 29 others (15 voters and 15 women), citizens of Colebrook, Ohio, praying for the submission to the States of a constitutional prohibitory amendment; which was ordered to lie on the table.

Mr. FAULKNER. I present a memorial of 71 citizens of Martinsburgh, W. Va., remonstrating against the passage of the bill in regard to Sunday observance or any other religious institution or rite, and also opposing any resolution for the amendment of the National Constitution that would by instruction in public schools or in any other way give preference to religious principles over the views of religion held by non-religious persons, and praying that the Government be kept strictly secular and that the separation of church and state be complete.

I move the reference of the memorial to the Committee on Education and Labor.

The motion was agreed to.

Mr. DAVIS presented the petition of W. H. Bishop and 133 others (91 voters and 43 women), citizens of Newport, Minn.; the petition of J. M. Brown and 297 others (134 voters and 164 women), citizens of Verndale, Minn., and the petition of Charles Bradford and 82 others